

## JOURNAL OF THE HOUSE

### Sixty-seventh Legislative Assembly

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**Bismarck, February 18, 2021**

The House convened at 12:30 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present except Representative Dobervich.

A quorum was declared by the Speaker.

#### SIXTH ORDER OF BUSINESS

**SPEAKER K. KOPPELMAN DEEMED** approval of the amendments to HB 1006, HB 1007, HB 1010, HB 1023, HB 1032, HB 1142, HB 1278, HB 1442, Engrossed HB 1452, HB 1465, and HCR 3024.

HCR 3024, as amended, was placed on the Tenth order of business on the calendar.

HB 1006, HB 1007, HB 1010, HB 1023, HB 1032, HB 1142, HB 1278, HB 1442, Engrossed HB 1452, and HB 1465, as amended, were placed on the Eleventh order of business on the calendar.

#### MOTION

**REP. LOUSER MOVED** that HB 1185, which is on the Eleventh order, be laid over one legislative day, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1287:** A BILL for an Act to create and enact subdivision d to subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code, relating to an enhanced penalty for the death of an individual as a result of a drug overdose; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dockter; Fegley; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; Ostlie; Owens; Paulson; Pollert; Porter; Pyle; Richter; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Stemen; Strinden; Toman; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Adams; Becker; Christensen; Ertelt; Hagert; Ista; Keiser; Mock; O'Brien; Paur; Roers Jones; Rohr; Simons; Steiner; Thomas; Vetter

**ABSENT AND NOT VOTING:** Dobervich

Engrossed HB 1287 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North

Dakota Century Code, relating to the adoption of a restraint and seclusion policy by school districts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 68 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Becker; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Hatlestad; Ista; Johnson, M.; Kading; Karls; Keiser; Klemin; Martinson; Mitskog; Mock; Nelson, M.; Paur; Rohr; Ruby, D.; Schneider; Toman; Vetter

**NAYS:** Anderson, B.; Anderson, D.; Bellew; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hagert; Headland; Heinert; Hoverson; Howe; Johnson, D.; Jones; Kasper; Kempenich; Kiefert; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Meier; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

Engrossed HB 1318 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1328:** A BILL for an Act to create and enact section 54-52.1-04.18 of the North Dakota Century Code, relating to vitamin D screening and testing; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to provide for a report; to provide for application; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 59 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Boschee; Brandenburg; Buffalo; Christensen; Damschen; Dobervich; Fegley; Hager; Hanson; Hoverson; Johnson, M.; Kasper; Keiser; Kiefert; Koppelman, B.; Magrum; Marschall; Meier; Mitskog; Rohr; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Simons; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Boe; Bosch; Cory; Delzer; Devlin; Dockter; Ertelt; Fisher; Guggisberg; Hagert; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kempenich; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Schobinger; Schreiber-Beck; Stemen; Thomas; Toman; Vigesaa; Weisz; Westlind; Zubke

Engrossed HB 1328 failed.

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#### MOTION

**REP. LOUSER MOVED** that HB 1081, which is on the Eleventh order, be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, HB 1081 was rereferred.

#### SECOND READING OF HOUSE BILL

**HB 1330:** A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to prohibiting covered entities from selling users' protected data without consent; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 75 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Christensen; Ertelt; Guggisberg; Hoverson; Kading; Kasper; Koppelman, B.; Magrum; Marschall; Nelson, M.; Ruby, D.; Schneider; Simons; Skroch; Toman; Westlind; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Zubke

HB 1330 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1332:** A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on basic care and nursing facility bed capacity.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Magrum; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Pollert; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

**NAYS:** Boe; Christensen; Delzer; Ertelt; Heinert; Kasper; Koppelman, B.; Marschall; Paur; Porter; Rohr; Simons; Toman; Weisz; Speaker Koppelman, K.

HB 1332 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1345:** A BILL for an Act to amend and reenact sections 43-31-07, 43-31-09, 43-31-10, and 43-31-14 of the North Dakota Century Code, relating to the licensing of detection of deception examiners and to repeal sections 43-31-07.1 and 43-31-16 of the North Dakota Century Code, relating to internship licenses and exemptions from testing requirements of detection of deception examiners.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich;

Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Ertelt; Simons

**ABSENT AND NOT VOTING:** Brandenburg; Ruby, M.

Engrossed HB 1345 passed.

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### SECOND READING OF HOUSE BILL

**HB 1391:** A BILL for an Act to create and enact section 19-24.1-24.1 and a new subsection to section 19-24.1-36 of the North Dakota Century Code, relating to regulating edible medical marijuana products; to amend and reenact section 19-24.1-01 of the North Dakota Century Code, relating to definitions relating to medical marijuana products; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Boschee; Brandenburg; Buffalo; Christensen; Cory; Dobervich; Dockter; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Keiser; Kempenich; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Magrum; Marschall; Meier; Mitskog; Mock; Nehring; Nelson, J.; Nelson, M.; O'Brien; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Stemen; Thomas; Toman; Vetter; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Anderson, B.; Bellew; Bosch; Damschen; Delzer; Devlin; Ertelt; Fisher; Hoverson; Karls; Kasper; Kiefert; Kreidt; Martinson; Monson; Nathe; Ostlie; Owens; Paulson; Paur; Rohr; Sanford; Satrom; Schatz; Schauer; Skroch; Steiner; Strinden; Trottier; Tveit; Vigesaa

HB 1391 passed and the emergency clause was declared carried.

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### MOTION

**REP. LOUSER MOVED** that HB 1369 be moved to the top of the calendar, which motion prevailed on a voice vote.

### SECOND READING OF HOUSE BILL

**HB 1369:** A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code, relating to the establishment of an education empowerment program; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 45 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Christensen; Damschen; Dockter; Ertelt; Fisher; Headland; Hoverson; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Kreidt; Lefor; Louser; Magrum; Marschall; Meier; Nehring; Owens; Paulson; Paur; Porter;

Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Weisz; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Delzer; Devlin; Dobervich; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Keiser; Klemin; Longmuir; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Pyle; Richter; Roers Jones; Sanford; Schneider; Schreiber-Beck; Stemen; Thomas; Vigasaa; Westlind; Zubke

Engrossed HB 1369 failed.

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### SECOND READING OF HOUSE BILL

**HB 1413:** A BILL for an Act to provide for a legislative management study regarding public school nutritional resources.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Devlin; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Trottier; Vigasaa; Weisz; Westlind; Zubke

**NAYS:** Becker; Bellew; Christensen; Damschen; Delzer; Ertelt; Fegley; Hoverson; Howe; Kading; Koppelman, B.; Magrum; Marschall; Paulson; Rohr; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman; Tveit; Vetter; Speaker Koppelman, K.

Engrossed HB 1413 passed.

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### SECOND READING OF HOUSE BILL

**HB 1423:** A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to child support obligations and parenting time.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 28 YEAS, 66 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Boe; Christensen; Delzer; Hoverson; Kading; Kasper; Kempenich; Koppelman, B.; Kreidt; Magrum; Marschall; Owens; Paulson; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schobinger; Simons; Skroch; Steiner; Trottier; Tveit; Vetter

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kiefert; Klemin; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Schmidt; Schneider; Schreiber-Beck; Stemen; Strinden; Thomas; Toman; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

HB 1423 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1429:** A BILL for an Act to amend and reenact section 54-03.3-01 of the North Dakota Century Code, relating to the compact for a balanced budget.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Dockter; Fegley; Fisher; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Johnson, D.; Johnson, M.; Jones; Karls; Kempenich; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schobinger; Schreiber-Beck; Simons; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Delzer; Devlin; Dobervich; Ertelt; Guggisberg; Hager; Hoverson; Ista; Kading; Kasper; Keiser; Kiefert; Magrum; Nelson, M.; Rohr; Schmidt; Schneider; Skroch; Steiner

Engrossed HB 1429 passed.

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**ANNOUNCEMENT**

**SPEAKER K. KOPPELMAN ANNOUNCED** that the House stand in recess for 10 minutes.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker K. Koppelman presiding.

**SECOND READING OF HOUSE BILL**

**HB 1430:** A BILL for an Act to amend and reenact sections 15.1-21-02.6 and 15.1-21-02.8 of the North Dakota Century Code, relating to eligibility requirements for the North Dakota academic and career and technical education scholarships.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 56 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Buffalo; Cory; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Ista; Johnson, D.; Jones; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Mitskog; Mock; O'Brien; Ostlie; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schneider; Schreiber-Beck; Skroch; Steiner; Stemen; Thomas; Toman; Trottier; Vetter; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Anderson, B.; Becker; Bellew; Boe; Brandenburg; Christensen; Damschen; Delzer; Devlin; Ertelt; Fegley; Headland; Heinert; Hoverson; Howe; Johnson, M.; Kading; Karls; Kempenich; Kreidt; Meier; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Ruby, M.; Schmidt; Schobinger; Simons; Strinden; Tveit; Vigesaa; Weisz

Engrossed HB 1430 passed.

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**SPEAKER K. KOPPELMAN DEEMED** that Engrossed HB 1430 be rereferred to the Appropriations Committee.

**SECOND READING OF HOUSE BILL**

**HB 1441:** A BILL for an Act to provide for a legislative management study regarding a paid family medical leave program.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Toman; Trottier; Tveit; Weisz; Speaker Koppelman, K.

**NAYS:** Becker; Bellew; Christensen; Delzer; Ertelt; Hoverson; Magrum; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Thomas; Vetter; Vigesaa; Westlind

**ABSENT AND NOT VOTING:** Zubke

Engrossed HB 1441 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1472:** A BILL for an Act to create and enact chapter 43-65 of the North Dakota Century Code, relating to consumer access to complementary and alternative health care.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 78 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Becker; Ertelt; Hoverson; Jones; Magrum; Nelson, M.; Paulson; Ruby, D.; Ruby, M.; Schatz; Schauer; Simons; Skroch; Toman; Trottier; Vetter

**NAYS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

HB 1472 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1478:** A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to alternative education opportunities outside the classroom for course credit; and to provide for a legislative management report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Bellew; Hager; Magrum; Rohr; Schatz; Steiner; Toman

Engrossed HB 1478 passed.

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### SECOND READING OF HOUSE BILL

**HB 1479:** A BILL for an Act to provide for a legislative management study of the simplification or elimination of income tax.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

Engrossed HB 1479 passed.

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### SECOND READING OF HOUSE BILL

**HB 1493:** A BILL for an Act to provide for ambulance service operation funding.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Anderson, D.

HB 1493 passed.

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### SECOND READING OF HOUSE BILL

**HB 1260:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to a wage and salary moratorium on state or local officials if certain temporary restrictions on businesses are imposed.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Boe; Christensen; Hoverson; Jones; Kading; Kasper; Koppelman, B.; Louser; Magrum; Marschall; Meier; Nehring; Owens; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman

**NAYS:** Adams; Anderson, B.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Anderson, D.

Engrossed HB 1260 failed.

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### SECOND READING OF HOUSE BILL

**HB 1314:** A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to cybersecurity incident reporting requirements.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Anderson, D.

Engrossed HB 1314 passed.

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### SECOND READING OF HOUSE BILL

**HB 1316:** A BILL for an Act to amend and reenact section 32-12.2-15 of the North Dakota Century Code, relating to contracts limiting liability to the state; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Christensen; Keiser; Magrum; Simons

**ABSENT AND NOT VOTING:** Anderson, D.; Damschen

Engrossed HB 1316 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1393:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Ertelt

**ABSENT AND NOT VOTING:** Anderson, D.

Engrossed HB 1393 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1359:** A BILL for an Act to create and enact a new subsection to section 19-24.1-05 of the North Dakota Century Code, relating to medical marijuana designated caregivers; to amend and reenact subsection 2 of section 19-24.1-04 and section 19-24.1-38 of the North Dakota Century Code, relating to medical marijuana designated caregivers and the medical marijuana advisory board; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 13

NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, P.; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Devlin; Dobervich; Dockter; Ertelt; Fegley; Guggisberg; Hager; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Becker; Boe; Damschen; Delzer; Fisher; Karls; Kreidt; Magrum; Paur; Rohr; Simons; Skroch; Tveit

**ABSENT AND NOT VOTING:** Anderson, D.

Engrossed HB 1359 passed.

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### SECOND READING OF HOUSE BILL

**HB 1134:** A BILL for an Act to amend and reenact section 14-20-18 of the North Dakota Century Code, relating to challenging an acknowledgment or denial of paternity.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Adams; Hager; Hanson; Ista; Johnson, M.; Roers Jones; Schneider

Engrossed HB 1134 passed.

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### SECOND READING OF HOUSE BILL

**HB 1439:** A BILL for an Act to create and enact section 44-06.1-31 of the North Dakota Century Code, relating to remote notarial acts for clients of certain nonprofit organizations; to amend and reenact subdivision c of subsection 3 of section 44-06.1-13.1 of the North Dakota Century Code, relating to an exemption for certain remote notarial acts; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 74 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, D.; Anderson, P.; Boe; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Headland; Ista; Mitskog; Mock; Nelson, J.; Nelson, M.; Ruby, D.; Schauer; Schneider; Zubke

**NAYS:** Anderson, B.; Becker; Bellew; Beltz; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hagert; Hatlestad; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Speaker Koppelman, K.

HB 1439 failed.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3021:** A concurrent resolution directing the Legislative Management to consider studying the factors contributing to the nation's firearm and ammunition shortage.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3021 was declared adopted on a voice vote.

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#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1065, HB 1080, HB 1152, HB 1166, HB 1181, HB 1190, HB 1219, HB 1259, HB 1272, HB 1355, HB 1356, HCR 3014, HCR 3015, HCR 3019, HCR 3026, HCR 3028, HCR 3030, HCR 3034, HCR 3035.

#### MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1030.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2224, SB 2230, SB 2245, SB 2266, SB 2271, SB 2282, SB 2329.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SCR 4007.

#### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2145, SB 2232, SB 2237, SB 2238, SB 2290, SB 2291.

#### MOTION

**REP. LOUSER MOVED** that the absent member be excused, which motion prevailed on a voice vote.

#### MOTION

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 19, 2021, which motion prevailed on a voice vote.

#### REPORT OF STANDING COMMITTEE

**HB 1001: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to amend and reenact section 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor; to provide an exemption;"

Page 1, line 2, after "report" insert "; and to declare an emergency"

Page 1, replace lines 9 through 17 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$3,623,946	\$83,109	\$3,707,055
Operating expenses	368,440	(96,805)	271,635
Contingencies	10,000	0	10,000
Rough rider awards	10,800	0	10,800
Governor's salary	<u>274,112</u>	<u>7,524</u>	<u>281,636</u>
Total general fund	\$4,287,298	(\$6,172)	\$4,281,126
Full-time equivalent positions	18.00	0.00	18.00"

Page 2, after line 8, insert:

**"SECTION 4. AMENDMENT.** Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-07-04. Salary of governor.**

The annual salary of the governor is one hundred ~~thirty-five~~forty thousand ~~three~~eight hundred ~~sixty-four~~twenty-nine dollars through June 30, ~~2020~~2022, and one hundred ~~thirty-eight~~forty-two thousand ~~seven~~nine hundred ~~forty-eight~~forty-one dollars thereafter.

**SECTION 5. AMENDMENT.** Section 54-08-03 of the North Dakota Century Code is amended and reenacted as follows:

**54-08-03. Salary of lieutenant governor.**

The annual salary of the lieutenant governor is one hundred ~~five~~nine thousand ~~two~~five hundred ~~eighty-five~~thirty-six dollars through June 30, ~~2020~~2022, and one hundred ~~seven~~eleven thousand ~~nine~~one hundred ~~seventeen~~seventy-nine dollars thereafter.

**SECTION 6. EXEMPTION - LINE ITEM TRANSFERS - 2019-21 BIENNIUM.** Notwithstanding section 54-16-04, the office of management and budget may transfer up to \$64,242 of appropriation authority from the operating expenses line item to the salaries and wages line item in section 1 of chapter 26 of the 2019 session laws as requested by the governor.

**SECTION 7. EXEMPTION.** The funding appropriated in the rough rider awards line item in section 1 of chapter 26 of the 2019 session laws is not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 8. EMERGENCY.** Section 6 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1001 - Governor's Office - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$3,623,946	\$83,109	\$3,707,055
Operating expenses	368,440	(96,805)	271,635
Contingencies	10,000		10,000
Rough Rider Awards	10,800		10,800
Governor's salary	<u>274,112</u>	<u>7,524</u>	<u>281,636</u>
Total all funds	\$4,287,298	(\$6,172)	\$4,281,126
Less estimated income	0	0	0
General fund	<u>\$4,287,298</u>	<u>(\$6,172)</u>	<u>\$4,281,126</u>

FTE 18.00 0.00 18.00

### Department 101 - Governor's Office - Detail of House Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Adds Funding for Microsoft Office 365 Licensing Expenses <sup>2</sup>	Reduces Funding for Operating Expenses <sup>3</sup>	Total House Changes
Salaries and wages	\$83,109			\$83,109
Operating expenses		\$3,195	(\$100,000)	(96,805)
Contingencies				
Rough Rider Awards				
Governor's salary	7,524			7,524
Total all funds	\$90,633	\$3,195	(\$100,000)	(\$6,172)
Less estimated income	0	0	0	0
General fund	\$90,633	\$3,195	(\$100,000)	(\$6,172)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

<u>General Fund</u>	
Salary increase	\$89,904
Health insurance increase	729
Total	\$90,633

<sup>2</sup> Funding is added for Microsoft Office 365 licensing expenses.

<sup>3</sup> Funding for operating expenses is reduced to provide total operating expenses funding of \$271,635.

This amendment also:

- Amends the North Dakota Century Code sections necessary to provide the Governor and Lieutenant Governor salary increases of 1.5 percent each year of the 2021-23 biennium.
- Authorizes up to \$64,242 to be transferred from the operating expenses line item to the salaries and wages line item in the agency's 2019-21 biennium appropriation for annual leave payouts (\$29,242) and costs related to the boards and commissions technology project (\$35,000).
- Authorizes 2019-21 biennium funding appropriated for Rough Rider Awards to be continued into the 2021-23 biennium.
- 

#### REPORT OF STANDING COMMITTEE

**HB 1002: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 2, after "printing" insert "; to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state; and to provide an exemption"

Page 1, replace lines 11 through 20 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$4,978,126	\$555,816	\$5,533,942
Operating expenses	3,009,553	298,871	3,308,424
Grants	0	25,000	25,000
Petition review	8,000	0	8,000
Election reform	1,601,747	3,097,721	4,699,468
Total all funds	\$9,597,426	\$3,977,408	\$13,574,834
Less estimated income	4,231,641	4,074,923	8,306,564

Total general fund	\$5,365,785	(\$97,515)	\$5,268,270
Full-time equivalent positions	32.00	1.00	33.00"

Page 2, replace lines 1 through 4 with:

"		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Public printing	\$257,278	\$653	\$257,931
Total general fund	\$257,278	\$653	\$257,931"

Page 2, replace lines 6 through 10 with:

"		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$5,623,063	(\$96,862)	\$5,526,201
Grand total special funds	4,231,641	4,074,923	8,306,564
Grand total all funds	\$9,854,704	\$3,978,061	\$13,832,765"

Page 2, after line 15, insert:

**"SECTION 3. EXEMPTION - TECHNOLOGY PROJECT.** Any unexpended funds from the \$3,050,000 general fund appropriation for a technology project in the operating expenses line item in subdivision 1 of section 1 of chapter 36 of the 2015 Session Laws and continued into the 2017-19 and 2019-21 bienniums are not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be expended during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 4. AMENDMENT.** Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-05. Salary of secretary of state.**

The annual salary of the secretary of state is one hundred ~~seventwelve~~ thousand ~~eighttwo~~ hundred ~~eighty five~~ ~~forty one~~ dollars through June 30, ~~2020~~2021, and one hundred ~~ten~~thirteen thousand ~~five~~nine hundred ~~eighty two~~twenty-five dollars thereafter.

**SECTION 5. TRIBAL GOVERNMENT ADMINISTRATIVE COSTS.** Of the funds appropriated in the grants line item in subdivision 1 of section 1 of this Act, \$25,000 is from the general fund for the purpose of providing grants to each federally recognized tribal government located within the state for the biennium beginning July 1, 2021, and ending June 30, 2023. The secretary of state may provide grants in an amount up to \$5,000 to each tribal government to reimburse administrative costs incurred by each tribal government to issue addresses and identifications for voting purposes."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1002 - Summary of House Action**

	Base Budget	House Changes	House Version
Secretary of State			
Total all funds	\$9,597,426	\$3,977,408	\$13,574,834
Less estimated income	4,231,641	4,074,923	8,306,564
General fund	\$5,365,785	(\$97,515)	\$5,268,270
FTE	32.00	1.00	33.00
Public Printing			
Total all funds	\$257,278	\$653	\$257,931
Less estimated income	0	0	0
General fund	\$257,278	\$653	\$257,931
FTE	0.00	0.00	0.00

Bill total			
Total all funds	\$9,854,704	\$3,978,061	\$13,832,765
Less estimated income	4,231,641	4,074,923	8,306,564
General fund	<u>\$5,623,063</u>	<u>(\$96,862)</u>	<u>\$5,526,201</u>
FTE	32.00	1.00	33.00

**House Bill No. 1002 - Secretary of State - House Action**

	<b>Base Budget</b>	<b>House Changes</b>	<b>House Version</b>
Salaries and wages	\$4,978,126	\$555,816	\$5,533,942
Operating expenses	3,009,553	298,871	3,308,424
Grants		25,000	25,000
Petition review	8,000		8,000
Election reform	<u>1,601,747</u>	<u>3,097,721</u>	<u>4,699,468</u>
Total all funds	\$9,597,426	\$3,977,408	\$13,574,834
Less estimated income	4,231,641	4,074,923	8,306,564
General fund	<u>\$5,365,785</u>	<u>(\$97,515)</u>	<u>\$5,268,270</u>
FTE	32.00	1.00	33.00

**Department 108 - Secretary of State - Detail of House Changes**

	<b>Adjusts Funding for Base Payroll Changes<sup>1</sup></b>	<b>Adds Funding for Salary and Benefit Increases<sup>2</sup></b>	<b>Adds Funding to Convert a Temporary to FTE Position<sup>3</sup></b>	<b>Increases Funding for Temporary Salaries<sup>4</sup></b>	<b>Adjusts Funding for Operating Expenses<sup>5</sup></b>	<b>Adds Funding for Grants<sup>6</sup></b>
Salaries and wages	\$145,186	\$138,765	\$121,865	\$150,000		
Operating expenses					\$298,871	
Grants						\$25,000
Petition review						
Election reform	<u>93,342</u>	<u>4,379</u>				
Total all funds	\$238,528	\$143,144	\$121,865	\$150,000	\$298,871	\$25,000
Less estimated income	<u>238,528</u>	<u>13,825</u>	<u>121,865</u>	<u>150,000</u>	<u>550,705</u>	<u>0</u>
General fund	\$0	\$129,319	\$0	\$0	(\$251,834)	\$25,000
FTE	0.00	0.00	1.00	0.00	0.00	0.00

	<b>Increases Funding for Election Reform<sup>7</sup></b>	<b>Total House Changes</b>
Salaries and wages		\$555,816
Operating expenses		298,871
Grants		25,000
Petition review		
Election reform	<u>\$3,000,000</u>	<u>3,097,721</u>
Total all funds	\$3,000,000	\$3,977,408
Less estimated income	<u>3,000,000</u>	<u>4,074,923</u>
General fund	\$0	<u>(\$97,515)</u>
FTE	0.00	1.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Salary increase	\$127,895	\$13,691	\$141,586
Health insurance increase	1,424	134	1,558
Total	\$129,319	\$13,825	\$143,144

<sup>3</sup> Funding is added from federal funds to convert 1 full-time temporary election reform position to an FTE position.

<sup>4</sup> Funding is increased for temporary salaries to provide a total of \$200,000.

<sup>5</sup> Funding for operating expenses is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Funding source change to general services fund	(\$255,425)	\$255,425	\$0
IT operating expenses	0	210,000	210,000
Other operating expenses	0	84,575	84,575
Microsoft Office 365 license expenses	3,591	705	4,296
Total	(\$251,834)	\$550,705	\$298,871

<sup>6</sup> Funding of \$25,000 from the general fund is added for the purpose of providing grants to each federally recognized tribal government located within the state during the 2021-23 biennium. A section is added providing the Secretary of State may provide grants up to \$5,000 to each tribal government to reimburse administrative costs incurred by each tribal government to issue addresses and identifications for voting purposes.

<sup>7</sup> Funding from federal funds is increased for election reform.

This amendment also adds a section to:

- Provide the statutory changes to increase the Secretary of State's salary. The Secretary of State's annual salary would increase from the current level of \$110,582 to \$112,241, effective July 1, 2021, and to \$113,925, effective July 1, 2022, to reflect the 1.5 percent annual salary increase.
- Allow funding approved for an information technology project in the 2015-17 biennium to be continued into the 2021-23 biennium.

**House Bill No. 1002 - Public Printing - House Action**

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Public printing	\$257,278	\$653	\$257,931
Total all funds	\$257,278	\$653	\$257,931
Less estimated income	0	0	0
General fund	\$257,278	\$653	\$257,931
FTE	0.00	0.00	0.00

**Department 109 - Public Printing - Detail of House Changes**

	<u>Increases Funding For Public Printing<sup>1</sup></u>	<u>Total House Changes</u>
Public printing	\$653	\$653
Total all funds	\$653	\$653
Less estimated income	0	0
General fund	\$653	\$653
FTE	0.00	0.00

<sup>1</sup> Funding is increased for public printing to provide a total of \$257,931 from the general fund.

**REPORT OF STANDING COMMITTEE**

**HB 1014: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,166,150	\$232,002	\$7,398,152
Total all funds	\$7,166,150	\$232,002	\$7,398,152
Less estimated income	3,926,135	334,447	4,260,582
Total general fund	\$3,240,015	(\$102,445)	\$3,137,570
Full-time equivalent positions	28.50	0	28.50"

ReNUMBER accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1014 - Protection and Advocacy Project - House Action

	Base Budget	House Changes	House Version
Protection and advocacy operations	\$7,166,150	\$232,002	\$7,398,152
Total all funds	\$7,166,150	\$232,002	\$7,398,152
Less estimated income	3,926,135	334,447	4,260,582
General fund	\$3,240,015	(\$102,445)	\$3,137,570
FTE	28.50	0.00	28.50

## Department 360 - Protection and Advocacy Project - Detail of House Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts Funding for Operating Expenses <sup>3</sup>	Adds Funding for Microsoft Office 365 Licensing Expenses <sup>4</sup>	Total House Changes
Protection and advocacy operations	(\$106,826)	\$127,964	\$207,229	\$3,635	\$232,002
Total all funds	(\$106,826)	\$127,964	\$207,229	\$3,635	\$232,002
Less estimated income	7,106	69,988	255,299	2,054	334,447
General fund	(\$113,932)	\$57,976	(\$48,070)	\$1,581	(\$102,445)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$57,347	\$69,203	\$126,550
Health insurance increase	629	785	1,414
Total	\$57,976	\$69,988	\$127,964

<sup>3</sup> Funding is adjusted for operating expenses primarily related to professional fees, rent, and supplies.

<sup>4</sup> Funding is added for Microsoft Office 365 licensing expenses.

## REPORT OF STANDING COMMITTEE

**HB 1017: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; and to provide a report"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 and 2 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$31,497,736	\$2,370,620	\$33,868,356
Operating expenses	15,949,169	163,585	16,112,754
Capital assets	5,917,891	856,879	6,774,770
Grants - game and fish	8,547,165	376,178	8,923,343
Land habitat and deer depredation	17,660,009	2,319,867	19,979,876
Noxious weed control	725,000	0	725,000
Missouri River enforcement	288,068	8,757	296,825
Grants, gifts, and donations	533,732	136,358	670,090
Nongame wildlife conservation	100,000	0	100,000
Lonetree reservoir	1,834,862	(16,572)	1,818,290
Wildlife services	500,000	0	500,000

Shooting sports grant program	250,000	0	250,000
Aquatic nuisance species program	<u>1,500,000</u>	<u>9,144</u>	<u>1,509,144</u>
Total special funds	\$85,303,632	\$6,224,816	\$91,528,448
Full-time equivalent positions	165.00	0.00	165.00

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Additional PLOTS payments	\$0	\$1,485,000
Red River basin wildlife and water quality program	<u>0</u>	<u>500,000</u>
Total special funds	\$0	\$1,985,000

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The game and fish department shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 2, line 4, replace "\$400,000" with "\$100,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1017 - Game and Fish Department - House Action

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$31,497,736	\$2,370,620	\$33,868,356
Operating expenses	15,949,169	163,585	16,112,754
Capital assets	5,917,891	856,879	6,774,770
Grants - Game and fish	8,547,165	376,178	8,923,343
Land habitat and deer depredation	17,660,009	2,319,867	19,979,876
Noxious weed control	725,000		725,000
Missouri River enforcement	288,068	8,757	296,825
Grants - Gifts - Donations	533,732	136,358	670,090
Nongame wildlife conservation	100,000		100,000
Lonetree Reservoir	1,834,862	(16,572)	1,818,290
Wildlife services	500,000		500,000
Shooting sports grant program	250,000		250,000
Aquatic nuisance species education	<u>1,500,000</u>	<u>9,144</u>	<u>1,509,144</u>
Total all funds	\$85,303,632	\$6,224,816	\$91,528,448
Less estimated income	<u>85,303,632</u>	<u>6,224,816</u>	<u>91,528,448</u>
General fund	\$0	\$0	\$0
FTE	165.00	0.00	165.00

## Department 720 - Game and Fish Department - Detail of House Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Increases Funding for Operating Expenses <sup>3</sup>	Increases Funding for Capital Assets <sup>4</sup>	Adds One- Time Funding for PLOTS Payments <sup>5</sup>	Adds One- Time Funding from an Outdoor Heritage Grant <sup>6</sup>
Salaries and wages	\$1,686,351	\$684,269				
Operating expenses			\$163,585			
Capital assets				\$856,879		
Grants - Game and fish			376,178			
Land habitat and deer depreddation	(399,883)	34,868	654,615	45,267	\$1,485,000	\$500,000
Noxious weed control	(111,751)		111,751			
Missouri River enforcement	(3,576)	1,557	10,776			
Grants - Gifts - Donations	32,204	4,358	104,796	(5,000)		
Nongame wildlife conservation						
Lonetree Reservoir	72,886	17,427	(123,385)	16,500		
Wildlife services						
Shooting sports grant program						
Aquatic nuisance species education	30,716	9,144	(30,716)			
Total all funds	\$1,306,947	\$751,623	\$1,267,600	\$913,646	\$1,485,000	\$500,000
Less estimated income	1,306,947	751,623	1,267,600	913,646	1,485,000	500,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	\$2,370,620
Operating expenses	163,585
Capital assets	856,879
Grants - Game and fish	376,178
Land habitat and deer depreddation	2,319,867
Noxious weed control	
Missouri River enforcement	8,757
Grants - Gifts - Donations	136,358
Nongame wildlife conservation	
Lonetree Reservoir	(16,572)
Wildlife services	
Shooting sports grant program	
Aquatic nuisance species education	9,144
Total all funds	\$6,224,816
Less estimated income	6,224,816
General fund	\$0
FTE	0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	Other Funds
Salary increase	\$743,666
Health insurance increase	7,957
Total	\$751,623

<sup>3</sup> Funding for operating expenses is adjusted as follows:

	Other Funds
Land, buildings, and maintenance	\$172,440
Information technology expenses	233,000
Microsoft Office 365 license expenses	18,507
Other operating expenses	843,653
Total	\$1,267,600

<sup>4</sup> Funding for capital assets is adjusted as follows:

	<u>Other Funds</u>
Extraordinary repairs	\$527,679
Land, buildings, and maintenance	(50,000)
Equipment over \$5,000	(243,505)
Motor vehicles	568,180
Other capital payments	<u>111,292</u>
Total	\$913,646

<sup>5</sup> One-time funding from federal funds (\$1,113,750) and other funds (\$371,250) is added for 5,000 acres of additional landowner private land open to sportsmen (PLOTS) payments.

<sup>6</sup> One-time funding is added from an outdoor heritage grant for a Red River Basin wildlife and water quality enhancement program.

**REPORT OF STANDING COMMITTEE**

**HB 1018: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 2, after "society" insert "; and to provide for a report"

Page 1, replace lines 10 through 20 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$14,295,816	\$252,665	\$14,548,481
Operating expenses	3,941,585	(42,422)	3,899,163
Capital assets	1,225,542	1,425,473	2,651,015
Grants	600,000	0	600,000
Cultural heritage grants	<u>500,000</u>	<u>0</u>	<u>500,000</u>
Total all funds	\$20,562,943	\$1,635,716	\$22,198,659
Less estimated income	<u>3,194,252</u>	<u>1,338,784</u>	<u>4,533,036</u>
Total general fund	\$17,368,691	\$296,932	\$17,665,623
Full-time equivalent positions	75.00	0.00	75.00"

Page 1, line 21, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 1, line 22, after "biennium" insert "and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 1, remove line 24

Page 2, replace lines 1 through 6 with:

"Historical site and extraordinary repairs	\$1,000,000	\$1,400,000
Exhibit and collections care	372,000	0
Auditorium chairs	160,000	0
Pioneer village grant	150,000	0
State archives digital repository upgrade	<u>0</u>	<u>25,000</u>
Total all funds	\$1,682,000	\$1,425,000
Total special funds	<u>85,000</u>	<u>1,400,000</u>
Total general fund	\$1,597,000	\$25,000

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The state historical society shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 2, after line 15, insert:

**"SECTION 5. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in section 1 of this Act

includes the sum of \$1,400,000 from the strategic investment and improvements fund for the purpose of providing funding for historic site and extraordinary repairs."

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1018 - State Historical Society - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$14,295,816	\$252,665	\$14,548,481
Operating expenses	3,941,585	(42,422)	3,899,163
Capital assets	1,225,542	1,425,473	2,651,015
Grants	600,000		600,000
Cultural heritage grants	500,000		500,000
Total all funds	\$20,562,943	\$1,635,716	\$22,198,659
Less estimated income	3,194,252	1,338,784	4,533,036
General fund	\$17,368,691	\$296,932	\$17,665,623
FTE	75.00	0.00	75.00

#### Department 701 - State Historical Society - Detail of House Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Increases Funding for Temporary Salaries <sup>3</sup>	Reduces Federal Funding for Salaries and Wages <sup>4</sup>	Adds Funding to Upgrade the State Archives Digital Repository <sup>5</sup>	Other Adjustments <sup>6</sup>
Salaries and wages	\$1	\$337,474	\$191,425	(\$276,235)		
Operating expenses					\$150,000	(\$192,422)
Capital assets						25,473
Grants						
Cultural heritage grants						
Total all funds	\$1	\$337,474	\$191,425	(\$276,235)	\$150,000	(\$166,949)
Less estimated income	2	23,592	191,425	(276,235)	0	0
General fund	(\$1)	\$313,882	\$0	\$0	\$150,000	(\$166,949)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-time Funding for Historic Site and Repairs <sup>2</sup>	Total House Changes
Salaries and wages		\$252,665
Operating expenses		(42,422)
Capital assets	\$1,400,000	1,425,473
Grants		
Cultural heritage grants		
Total all funds	\$1,400,000	\$1,635,716
Less estimated income	1,400,000	1,338,784
General fund	\$0	\$296,932
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	General Fund	Other Funds	Total
Salary increase	\$310,612	\$23,311	\$333,923
Health insurance increase	3,270	281	3,551
Total	\$313,882	\$23,592	\$337,474

<sup>3</sup> Funding for temporary salaries is increased to provide pay increases.

<sup>4</sup> Federal funds spending authority for salaries and wages is reduced.

<sup>5</sup> Ongoing funding of \$125,000 from the general fund is added for the State Archives Digital Repository (SADR) subscription expenses and one-time funding from the general fund of \$25,000 to upgrade SADR.



Salaries and wages  
 Operating expenses  
 Contingencies  
  
 Total all funds  
 Less estimated income  
 General fund  
  
 FTE

<b>Total House Changes</b>	
	\$303,575
	(34,811)
	\$268,764
	268,764
	\$0
	0.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>Other Funds</u>
Salary increase	\$105,730
Health insurance increase	981
Total	\$106,711

<sup>3</sup> Funding is added for salaries and wages for cost to continue 2019-21 biennium salary equity increases.

<sup>4</sup> Funding is decreased for operating expenses primarily related to information technology costs.

<sup>5</sup> Funding is added to pay for desktop support services from the Information Technology Department.

<sup>6</sup> Funding is increased for Microsoft Office 365 licensing expenses.

This amendment also adds a section to provide an exemption to allow funding for an information technology project to continue into the 2021-23 biennium.

**REPORT OF STANDING COMMITTEE**

**HB 1024: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 13 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Ethics commission	<u>\$517,155</u>	<u>(\$17,940)</u>	<u>\$499,215</u>
Total general fund	\$517,155	(\$17,940)	\$499,215
Full-time equivalent positions	2.00	(1.00)	1.00"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1024 - Ethics Commission - House Action**

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Ethics Commission	<u>\$517,155</u>	<u>(\$17,940)</u>	<u>\$499,215</u>
Total all funds	\$517,155	(\$17,940)	\$499,215
Less estimated income	0	0	0
General fund	<u>\$517,155</u>	<u>(\$17,940)</u>	<u>\$499,215</u>
FTE	2.00	(1.00)	1.00

## Department 195 - Ethics Commission - Detail of House Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Removes Vacant FTE Position <sup>2</sup>	Adds Funding for Microsoft Office 365 Licensing Expenses <sup>3</sup>	Reduces Funding for Operations <sup>4</sup>	Total House Changes
Ethics Commission	\$7,257		\$661	(\$25,858)	(\$17,940)
Total all funds	\$7,257	\$0	\$661	(\$25,858)	(\$17,940)
Less estimated income	0	0	0	0	0
General fund	\$7,257	\$0	\$661	(\$25,858)	(\$17,940)
FTE	0.00	(1.00)	0.00	0.00	(1.00)

<sup>1</sup> The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>General Fund</u>
Salary increase	\$7,235
Health insurance increase	22
Total	\$7,257

<sup>2</sup> One vacant unfunded FTE position is removed.

<sup>3</sup> Funding is added for Microsoft Office 365 licensing expenses.

<sup>4</sup> Funding for operations of the Ethics Commission is reduced by 5 percent.

#### REPORT OF STANDING COMMITTEE

**HB 1043, as engrossed: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or, as permitted in section 54-66-05, the"

Page 1, line 11, remove "commission"

Page 1, line 15, remove "is a"

Page 1, line 16, remove "nonresident or"

Page 1, line 17, remove the overstrike over "~~not investigate, refer, or take~~"

Page 1, line 18, remove the overstrike over "~~other action regarding the complaint~~"

Page 1, line 18, remove "proceed as the complainant, provided the"

Page 1, remove line 19

Page 1, line 20, replace "approves proceeding by a majority vote at a meeting at which a quorum is present" with ". A meeting under this section at which the commission discusses whether there is a reasonable belief a violation has occurred must be held in an executive session"

Page 1, line 21, remove the overstrike over "~~unless the complaint~~"

Page 1, line 22, remove the overstrike over "~~must be disregarded under this section~~"

Page 2, line 6, remove "also is a"

Page 2, line 7, remove "witness to the alleged violation and"

Page 2, line 17, remove "If the commission is the"

Page 2, remove lines 18 and 19

Page 2, line 20, remove "commission voted to proceed with a complaint."

Page 3, line 18, remove "and policies"

Page 3, line 24, remove ". If a"

Page 3, remove lines 25 through 30

Page 4, remove lines 1 through 4

Page 4, line 5, remove "mileage as a witness in a civil case in district court"

Page 5, line 24, remove the overstrike over "~~However, the ethics~~"

Page 5, remove the overstrike over line 25

Page 5, line 26, remove the overstrike over "~~made an allegation against the accused individual~~"

Page 5, line 26, after "~~information~~" insert an underscored period

Page 6, line 6, remove "and other staff"

Page 6, line 8, remove "and other staff"

Page 6, line 8, remove "or"

Page 6, line 9, remove "policies"

Page 6, line 10, remove "or other staff"

Page 6, line 17, remove "a"

Page 6, line 17, remove "set of"

Page 6, line 17, remove "or actual"

Page 6, line 17, after "facts" insert "or prospective conduct"

Page 6, line 28, after "are" insert "substantially"

Page 6, line 28, replace the second "facts" with "conduct"

Page 7, line 2, replace "or in another medium readily available" with "that is accessible"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1114: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (18 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1114 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide an appropriation"

Page 2, remove lines 13 through 22

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1144: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1144 was placed on the Sixth order on the

calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to protect free speech from racial, religious, and viewpoint discrimination by a social media platform or interactive computer service; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.**

**Definitions.**

As used in this chapter:

1. "Censor" means to block, ban, remove, deplatform, demonetize, deboost, restrict, deny equal access or visibility to, or otherwise discriminate against.
2. "Expression" means any words, music, sounds, still or moving images, numbers, or other perceivable communication.
3. "Free speech state" means any of the several states, or any territory, of the United States that protects expression from censorship, by social media platforms or interactive computer services, based on the viewpoint of users or of expression.
4. "Identifiable private information" means private information that, in the circumstances, reasonably may be expected to be associated with a user or could with reasonable effort be associated with a user.
5. "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server. The term does not include an internet service provider.
6. "Private information" means information acquired by the interactive computer service or social media platform from any user who has not expressly given prior authorization for the release or disclosure of the specific information, including the information's specific content, specific form, and the persons to whom the information will be released or disclosed.
7. "Receive" means to read, hear, look at, access, gain access to, or otherwise receive.
8. "Share" means to speak, sing, publish, post, upload, transmit, communicate, or otherwise share.
9. "Social media platform" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server and which allows a user to publish or share expression with persons other than the particular persons to whom the expression specifically is directed. The term does not include an internet service provider.
10. "Unlawful expression" means expression that is unlawful under the United States Constitution or federal law, or under the Constitution of North Dakota or laws of this state.
11. "User" means a person that shares or receives expression through an interactive computer service.

**Racial, religious, and viewpoint discrimination prohibited.**

1. A social media platform may not censor a user, a user's expression, a user's sharing of expression, or a user's receiving of expression from another person, based on:
  - a. The race, religion, or viewpoint of any user or other person; or
  - b. The viewpoint presented in any user's or other person's expression.
2. An interactive computer service may not censor a user, a user's expression, a user's sharing of expression, or a user's receiving of expression from another person, based on:
  - a. The race, religion, or viewpoint of any user or other person; or
  - b. The viewpoint presented in any user's or other person's expression.
3. This section applies whether the viewpoint is expressed on the social media platform, the interactive computer service, or elsewhere.

**Geographic discrimination prohibited.**

1. A social media platform may not censor a user, a user's expression, a user's sharing of expression, or a user's receiving of expression based on the user's residing in, doing business in, sharing expression, or receiving expression in this state or any part of the state.
2. An interactive computer service may not censor a user, a user's expression, a user's sharing of expression, or a user's receiving of expression based on the user's residing in, doing business in, sharing expression, or receiving expression in this state or any part of the state.

**Application.**

1. This chapter only protects:
  - a. A user residing in, doing business in, sharing expression in, or receiving expression in this state;
  - b. Expression, sharing expression, or receiving expression, to the extent the expression, sharing, or receiving occurs in this state;
  - c. Expression, sharing expression, or receiving expression, to the extent the expression is shared with, or received from, any other free speech state; and
  - d. Expression, sharing expression, or receiving expression, to the extent the expression is shared with, or received from, any other of the several states, or any other of the territories, of the United States.
2. This chapter only applies to:
  - a. A social media platform or interactive computer service that functionally has more than twenty million active users within any thirty-day period; and
  - b. A social media platform or interactive computer service that functionally has more than one hundred fifty million active users within a calendar month.
3. This chapter does not apply to:

- a. A social media platform or interactive computer service that has been available to users for less than twelve months; or
  - b. A social media platform or interactive computer service that is engaged primarily in its own expression and which allows users to comment its expression, as long as such commentary or the ability to comment is merely incidental to its expression.
4. This chapter does not:
- a. Subject a social media platform or interactive computer service to any remedy or cause of action from which the social media platform or interactive computer service is protected by federal law;
  - b. Prohibit a social media platform or interactive computer service from censoring any expression that it is specifically authorized to censor by federal law; or
  - c. Prohibit a social media platform or interactive computer service from censoring unlawful expression.

#### **Civil action - Remedies.**

A user residing in, doing business in, sharing expression in, or receiving expression in this state may bring a civil action in any court of this state against a social media platform or interactive computer service for a violation of this chapter against the user, and upon finding the defendant has violated or is violating the user's rights under this chapter, the court shall award:

1. Declaratory relief;
2. Injunctive relief;
3. Treble damages or, at the plaintiff's option, statutory damages of up to fifty thousand dollars; and
4. Costs and reasonable attorney's fees.

#### **Aiding and abetting - Civil action - Remedies.**

A user residing in, doing business in, sharing expression in, or receiving expression in this state may bring a civil action in any court of this state against any person who aids or abets a violation of this chapter committed by a social media platform or interactive computer service against that user, and upon finding the defendant has aided or abetted or is aiding or abetting a violation of that user's rights under this chapter, the court shall award:

1. Declaratory relief;
2. Injunctive relief;
3. Treble damages or, at the plaintiff's option, statutory damages of up to fifty thousand dollars; and
4. Costs and reasonable attorney's fees.

#### **Jurisdiction - Right to jury - Compliance.**

1. Notwithstanding any other provision of law, the courts of this state have personal jurisdiction over any defendant sued under this chapter to the maximum extent permitted by the Fourteenth Amendment to the United States Constitution.
2. The plaintiff in an action brought under this chapter has the right to a jury trial.

3. If a defendant in an action brought under this chapter fails to comply promptly with the court's order, the court shall hold the defendant in contempt and shall use all lawful measures to secure immediate compliance, including imposing daily penalties sufficient to secure immediate compliance.

**Fiduciary duty.**

Any loss, release, or distribution by a social media platform or interactive computer service of identifiable private information that has been collected by the social media platform or interactive computer service is a breach of fiduciary duty and is subject to the usual legal or equitable remedies for the breach; but for each intentional or reckless loss, release, or distribution of identifiable private information, the monetary recovery must be tripled or, at the plaintiff's option, any defendant social media platform or interactive computer service shall pay presumptive damages or restitution in the amount of up to one million dollars."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1154: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1154 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact chapter 26.1-36.9 and sections 26.1-47-02.2 and 26.1-47-02.3 of the North Dakota Century Code, relating to prior authorization of dental services, dental networks, and payment of dental claims.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** Chapter 26.1-36.9 of the North Dakota Century Code is created and enacted as follows:

**26.1-36.9-01. Definitions.**

As used in this chapter:

1. "Dental benefit plan" means a benefits plan that pays or provides dental expense benefits for covered dental services and is delivered through a dental insurer.
2. "Dental insurer" means a dental insurance company, dental service corporation, or dental plan organization authorized to provide dental benefits.
3. "Dental provider" means a licensed provider of dental services in this state.
4. "Dental services" means services for the diagnosis, prevention, treatment, or cure of a dental condition, illness, injury, or disease.
5. "Prior authorization" means confirmation by the covered individual's dental benefit plan that the services sought to be provided by the dental provider meet the criteria for coverage under the covered individual's dental benefit plan as defined by the covered individual's dental benefit plan.

**26.1-36.9-02. Dental benefit plans - Prior authorization.**

A dental benefit plan may not deny a claim subsequently submitted by a dental provider for procedures specifically included in a prior authorization, unless at least one of the following circumstances applies for each procedure denied:

1. Benefit limitations, such as annual maximums and frequency limitations not applicable at the time of the prior authorization, are reached due to utilization after issuance of the prior authorization.
2. The documentation for the claim provided by the dental provider submitting the claim clearly fails to support the claim as originally authorized.
3. If, after the issuance of the prior authorization, new procedures are provided to the patient or a change in the condition of the patient occurs such that the prior authorized procedure would no longer be considered medically necessary, based on the prevailing standard of care.
4. If, after the issuance of the prior authorization, new procedures are provided to the patient or a change in the patient's condition occurs such that the prior authorized procedure would at that time require disapproval pursuant to the terms and conditions for coverage under the patient's plan in effect at the time the prior authorization was used.
5. The denial of the payment was due to one of the following:
  - a. Another payor is responsible for payment.
  - b. The dental provider already has been paid for the procedures identified on the claim.
  - c. The claim was submitted fraudulently.
  - d. The individual receiving the procedure was not eligible to receive the procedure on the date of service.

**SECTION 2.** Section 26.1-47-02.2 of the North Dakota Century Code is created and enacted as follows:

**26.1-47-02.2. Dental networks.**

1. As used in this section:
  - a. "Affiliate" means a person that directly or indirectly through one or more intermediaries controls, or is under the control of, or is under common control with, the person specified.
  - b. "Contracting entity" means a person that enters a direct contract with a dental provider for the delivery of dental services.
  - c. "Network" means a group of preferred dental providers providing services under a network plan.
  - d. "Network plan" means a dental benefit plan that requires a covered individual to use, or creates incentives, including financial incentives, for a covered individual to use a dental provider managed by, owned by, under contract with, or employed by the dental insurer.
  - e. "Third party" means an entity that is not a party to a contracting entity's dental provider network.
2. A contracting entity may grant a third party access to a dental provider network contract, or a provider's dental services or contractual discounts provided pursuant to a dental provider network contract, if all of the following are met:
  - a. The contract specifically states the contracting entity may enter an agreement with a third party allowing the third party to obtain the contracting entity's rights and responsibilities as if the third party were the contracting entity.

- b. If the contracting entity is a dental insurer, the dental provider may opt out of the third-party access at the time the dental provider network contract was entered or renewed.
  - c. The contracting entity identifies, in writing or electronic form to the dental provider, all third parties in existence as of the date the contract is entered or renewed.
  - d. The contracting entity notifies dental network providers that a new third party is leasing or purchasing the network at least thirty days in advance of the relationship taking effect.
  - e. The contracting entity makes available a copy of the dental provider network contract relied on in the adjudication of a claim to a participating dental provider within thirty days of a request from the dental provider.
- 3. A dental provider's refusal to agree in writing to the third-party access to the dental provider network does not permit the contracting entity to end the contractual relationship with the dental provider.
  - 4. The provisions of this section do not apply if access to a provider network contract is granted to a dental carrier or an entity operating in accordance with the same brand licensee program as the contracting entity or to an entity that is an affiliate of the contracting entity.

**SECTION 3.** Section 26.1-47-02.3 of the North Dakota Century Code is created and enacted as follows:

**26.1-47-02.3. Postpayment of dental claims - Payment recovery limitations.**

- 1. As used in this section, "dental care provider" means a licensed provider of dental care services in this state.
- 2. Other than recovery for duplicate payments, a dental insurer, if engaging in overpayment recovery efforts, shall provide written notice to the dental care provider which identifies the error made in the processing or payment of the claim and justifies the overpayment recovery.
- 3. A dental insurer shall provide a dental care provider with the opportunity to challenge an overpayment recovery, including the sharing of claims information, and shall establish written policies and procedures for a dental care provider to follow to challenge an overpayment recovery.
- 4. A dental insurer may not initiate overpayment recovery efforts more than twelve months after the original payment for the claim was made. This time limit does not apply to overpayment recovery efforts that are:
  - a. Based on reasonable belief of fraud, abuse, or other intentional misconduct;
  - b. Required by, or initiated at the request of, a self-insured plan; or
  - c. Required by a state or federal government plan."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1155: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1155 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1201: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (8

YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1201 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1207: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1207 was placed on the Sixth order on the calendar.

Page 4, remove lines 23 through 26

Page 4, line 27, replace "d." with "c."

Page 5, line 1, replace "e." with "d."

Page 5, line 27, replace "thirty" with "forty-five"

Page 6, line 23, replace "thirty" with "forty-five"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1234: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and chapter 53-06.3 of the North Dakota Century Code, relating to criminal history background checks and the regulation of sports wagering; to provide for a legislative management study; to provide a penalty; and to provide a contingent effective date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The sports wagering commission for each applicant or licensee under chapter 53-06.3.

**SECTION 2.** Chapter 53-06.3 of the North Dakota Century Code is created and enacted as follows:

##### **53-06.3-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Commission" means the sports wagering commission established as a division of the attorney general's office.
2. "Gross wagering receipts" means an operator's total sports wagers less allowed free bets and allowed promotional credits.
3. "License" means a license applied for or issued by the commission under this chapter, including:
  - a. A retail sports wagering license under section 53-06.3-07 to permit a retail sports wagering operator to operate sports wagering through sports wagering terminals, including kiosk terminals, placed in various licensed physical locations throughout the state which are linked to a licensed retail sports wagering operator's central computerized system for the operation of retail sports wagering.

- b. A mobile sports wagering license under section 53-06.3-07 to permit a mobile operator to operate sports wagering through an approved mobile application, web-based, or other digital platform that involves online wagering with the use of the internet. The term mobile means both a web-based online system and a mobile application.
  - c. A participating retail location license under section 53-06.3-08 for the retail outlets where sports wagering terminals are placed which are connected with a licensed retail sports wagering operator.
  - d. A supplier license under section 53-06.3-08 to sell, lease, or otherwise contract for equipment, systems, goods, and services to be used in connection with a sports wagering, but not to directly accept wagers in place of the retail or mobile licensed operators.
4. "Net revenue" means the total gross wagering receipts less allowed free wagers, allowed promotional play, payments to players for winnings, and any applicable federal excise tax. Payments to players includes payments of cash, cash equivalents, merchandise, or other thing of value awarded as a prize or payment, less any applicable federal excise tax.
5. "Operator" means a retail sports wagering licensee or mobile sports wagering licensee under section 53-06.3-07.
6. "Professional sports or athletic event" means an event:
- a. At which two or more participants participate in a sports or athletic event and one or more participants receive compensation and which is not a prohibited sports event; or
  - b. Any other event authorized by the commission by rule.
7. "Prohibited sports event" means a college or high school sports or athletic event, or any other event in which a majority of the participants are under eighteen years of age unless the activity qualifies as a professional sport or athletic event or is organized by an international body such as the international olympic committee.
8. "Qualified gaming entity" means an eligible entity that offers sports wagering through retail sports wagering platforms, mobile applications, digital platforms, or web-based platforms that is approved by the commission.
9. "Retail sports wagering location" means a participating physical location licensed by the commission to have sports wagering devices and terminals on the premises which are provided by and linked to a licensed retail sports wagering operator's central system.
10. "Retail sports wagering operator" means an eligible entity that is a licensed gaming distributor within the state at the time of application for a retail sports wagering operator's license and which previously has been a licensed gaming distributor in the state for a minimum of three years before submitting the application.
11. "Sports wagering" means the business of accepting wagers on wagering events or portions of wagering events, the individual performance statistics of individuals in wagering events, or a combination of any of the same by any system or method of wagering approved by the commission via a licensee's central computerized wagering system, mobile or online application, or digital platform that uses communications technology to accept wagers.
- a. The term includes single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets.

- b. The term does not include:
- (1) Fantasy contests in which participants assemble teams of athletes or individuals and the winning outcome reflects the relative knowledge and skill of the participants and is determined predominantly by the accumulated statistical results of the performance of athletes or individuals in an actual event.
  - (2) Horse racing if sports wagering on the race is pari-mutuel, roulette, poker, blackjack, a card game, dice games, or any other game or contest allowed by law and approved for conduct by licensed or permitted charitable gaming organizations.
12. "Sports wagering account" means a financial record established by a licensee for an individual patron in which the patron may deposit and withdraw funds for sports wagering and other authorized purchases, and to which the licensed operator may credit winnings or other amounts due to that patron or authorized by that patron. The term includes an account that can be established electronically through an approved mobile application or digital platform.
13. "Supplier" means a person that provides, manages, administers, or controls software, hardware, or services for a sports wagering operating system that directly impacts the operation of a sports betting system or platform, including geolocation services, know your customer services, payment processors, and data providers.
14. "Wager" means a sum of money or thing of value risked on an uncertain occurrence.
15. "Wagering event" means a sports or athletic event that is not a prohibited sports event, including a professional sports or athletic event, or amateur sports or athletic event, including an olympic or international sports or athletic event, a motor vehicle race, an electronic sports event, commonly referred to as "e-sports", and any other event as permitted by the commission.

#### **53-06.3-02. Authorization of sports wagering - License required.**

1. Notwithstanding any provision of law to the contrary, the operation of sports wagering and ancillary activities are lawful when conducted in accordance with the provisions of this chapter and the rules adopted under this chapter.
2. A person may not engage in any activities in this state which require a license under this chapter unless the necessary license has been obtained in accordance with this chapter and rules adopted under this chapter.

#### **53-06.3-03. Powers and duties of commission.**

1. In administering and enforcing this chapter, the commission:
  - a. Shall adopt rules and regulate the conduct of sports wagering.
  - b. Shall determine the eligibility of a person to hold or continue to hold a license, issue all licenses, and maintain a record of all licenses issued under this chapter.
  - c. Shall collect all fees, civil penalties, and tax on the net revenue imposed by this chapter, except as otherwise provided under this chapter.

- d. May sue to enforce any provision of this chapter or any rule adopted under this chapter by civil action or petition for injunctive relief.
  - e. May hold hearings and make provision to administer oaths and issue subpoenas or subpoenas duces tecum in the manner provided by applicable law.
  - f. May exercise any other powers necessary to effectuate the provisions of this chapter and the rules adopted under this chapter.
2. The commission shall examine the rules and regulations implemented in states where sports wagering is conducted and shall adopt, as far as practicable, a similar framework to ensure the sports wagering industry is best positioned to succeed. The rules, at a minimum, must include:
- a. Qualifications for obtaining a license;
  - b. Qualifications for obtaining a temporary license;
  - c. The acceptance of wagers on a wagering event or a series of wagering events; method of accounting to be used by operators; types of records that must be kept; type of system for wagering; protections for patrons placing wagers; and promotion of social responsibility, responsible gaming, and inclusion of the statement, "If you or someone you know has a gambling problem and wants help, call 1-800-GAMBLER." or similar message at any participating retail location or on any mobile application or digital platform used to place wagers;
  - d. Standards for the adoption of comprehensive house rules governing sports wagering and adoption of the internal controls by operators and the approval of house rules and minimum controls by the commission as required under section 53-06.3-09;
  - e. Minimum design and security requirements for participating retail locations and systems, mobile applications, and digital platforms for the acceptance of wagers by mobile operators, including required methods for verifying the age and identity of an individual who places a wager and for verifying the individual making the wager physically is located in the state and is not prohibited from making a wager under section 53-06.3-12;
  - f. The types of interested parties prohibited from accepting wagers under section 53-06.3-12;
  - g. Minimum design, security, testing, and approval requirements for sports wagering equipment, systems, or services sold by suppliers licensed under section 53-06.3-08;
  - h. Establishment of a list of individuals who are not authorized to place a wager on a wagering event, including those individuals who voluntarily request their names be included on the list of unauthorized individuals. The rules adopted under this paragraph must define the standards for involuntary placement on the list and for removal from the list; and
  - i. Minimum internal control standards for operators, including procedures for safeguarding assets and revenues; the recording of cash and evidence of indebtedness; the maintenance of reliable records, accounts, and reports of transactions, operations, and events; required audits; and the content of and frequency with which reports of sports wagering activities and revenues must be made to the commission.

3. The commission shall adopt rules to implement this chapter within one hundred and twenty days after the effective date of this Act and as necessary thereafter.

**53-06.3-04. Sports wagering commission.**

1. There is created the sports wagering commission, which is composed of five members, three of whom are appointed by the attorney general and two of whom are appointed by the governor. Of the members appointed by the governor, one must have a background in accounting and one must have a background in law. The term of office is three years, expiring on June thirtieth with no more than two terms expiring in any one year. Each member must be a citizen of the United States and a resident of this state. A chairman of the commission must be chosen annually by a majority of the membership of the commission at the first meeting of the commission each fiscal year. A member may serve as chairman for more than one year.
2. The commission shall meet at least once a quarter and any additional meetings as the chairman deems necessary. Special meetings may be called by the chairman upon the written request of the director or any three members of the commission.
3. The commission shall implement the rules, policy, and regulation of sports wagering.
4. A member of the commission who is not a permanent full-time state employee is to be compensated at a rate of seventy-five dollars per day and entitled to mileage and expenses as provided by law for state employees. A state employee who is a member of the commission must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency.

**53-06.3-05. Application for license - Criminal history background check.**

1. An application for a license or for renewal of a license required under this chapter must be submitted on a form provided by the commission. An applicant must be licensed currently in North Dakota or in another United States jurisdiction for sports wagering. An application submitted to the commission must include the following:
  - a. The full name, address, and contact information of the applicant;
  - b. Disclosure of each person that has control of the applicant or the applicant's wagering activities as described in subsection 2;
  - c. Consent to permit the commission to conduct a criminal history record check, in accordance with subsection 3, of the applicant and each person disclosed under subdivision b;
  - d. For the applicant and each person disclosed under subdivision b, a record of all previous issuances and denials of a gambling-related license or application under this title or in any other jurisdiction;
  - e. Proof the applicant's wagering system has been tested for use in North Dakota by an independent testing laboratory approved by the commission; and
  - f. Any additional information, including operational standards, required by the commission by rule.
2. The following persons are considered to have control of an applicant or a licensee or the applicant's or licensee's associated sports wagering activities:

- a. Each corporate holding company, parent company, or subsidiary company of a corporate applicant or licensee and each person that owns ten percent or more of the corporate applicant or licensee or that has the ability to control the activities of the corporate applicant or licensee or elect a majority of the board of directors of that corporate applicant or licensee, except for a bank or other licensed lending institution that holds a mortgage or other lien acquired in the ordinary course of business;
  - b. Each person associated with a noncorporate applicant or licensee which directly or indirectly holds a beneficial or proprietary interest in the noncorporate applicant's or licensee's wagering business operation or which the commission otherwise determines has the ability to control the noncorporate applicant or licensee; and
  - c. Any executive, employee, or agent of an applicant or licensee that has ultimate decisionmaking authority over the conduct of the applicant or licensee's sports wagering operations in this state.
3. The commission shall require an applicant and each person disclosed under subdivision b of subsection 1 to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.
  4. A person licensed under this chapter shall give the commission written notice within thirty days of any material change to any information provided in the application for a license or renewal, including any change in the identity of persons considered to have control of the applicant or licensee as described in subsection 2.

#### **53-06.3-06. Denial of license - Reprimand - Suspension - Revocation.**

The commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

1. If the applicant or licensee knowingly has made a false statement of material fact to the commission.
2. If the applicant or licensee intentionally has not disclosed the existence or identity of other persons that have control of the applicant or licensee as required by section 53-06.3-05.
3. If the applicant or licensee has had a license revoked by any government authority responsible for regulation of gaming activities.
4. If the applicant has been convicted of a crime of moral turpitude, a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order.
5. If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the licensed business or proposed business, including payment of winnings.
6. If an applicant has not met the requirements of this chapter or other criteria the commission may establish.

#### **53-06.3-07. Retail sports wagering license - Mobile sports wagering license - Fees - Temporary license.**

1. The commission shall issue a maximum of two retail sports wagering licenses and a maximum of three mobile sports wagering licenses to applicants that meet all requirements of this chapter and rules adopted

- under this chapter and have not violated any portion of section 53-06.3-06 or rules adopted under this chapter, together with other criteria the commission may deem most beneficial to the state in determining the award of licenses.
2. A qualified gaming entity may apply for a retail or mobile sports wagering license.
  3. A retail sports wagering license or mobile sports wagering license issued by the commission pursuant to this section grants a licensee lawful authority to conduct sports wagering through a retail computerized wagering system or any mobile application, web-based, or digital platform approved by the commission within the terms and conditions of the license and any rules adopted under this chapter.
  4. A licensed retail sports wagering operator:
    - a. May hold a retail sports wagering license that authorizes the licensed distributor to:
      - (1) Operate retail sports wagering through a central computer system using electronic, digital, and other systems that link wagering terminals, including kiosk terminals, located in physical locations across the state to the licensee's central wagering system;
      - (2) Distribute and service the sports wagering devices and terminals;
      - (3) Contract with licensed participating retail sports wagering locations to provide wagering terminals to the public for wagering purposes; and
      - (4) Contract with charitable, fraternal, veterans, and nonprofit organizations in the state for a participating economic sponsorship with the retail sports wagering licensee, by mutual agreement.
    - b. May contract with a supplier to provide the equipment, wagering system operations, proposed rules, line and risk management, and other such services as may be required to comply with the rules under this chapter.
    - c. Owns the data generated through the retail sports wagering operations relative to player and customer lists.
    - d. May combine a mobile sports wagering application or web-based system in conjunction with the licensee's operation of retail sports wagering. Such mobile sports wagering, in conjunction with retail sports wagering may not reduce the maximum number of mobile wagering licenses that may be awarded.
    - e. May contract with a third-party supplier for the mobile wagering system and services under this chapter. The supplier of retail and mobile wagering systems and services is subject to this chapter and rules adopted under this chapter.
  5. The fee for an initial retail sports wagering license is twenty thousand dollars and a renewal license fee is ten thousand dollars. A retail sports wagering operator may apply for a mobile sports wagering license to be used in conjunction with the operator's retail sports wagering license for an additional fee of thirty thousand dollars and a renewal fee of ten thousand dollars. The initial and renewal fee for a separate mobile sports wagering license is fifty thousand dollars. In addition to the license fee, the commission may charge a processing fee for an initial or renewed

license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.

6. Except as provided in subsection 6, a license issued or renewed under this section is valid for three years unless revoked sooner by the commission under section 53-06.3-05.
7. An applicant for a license under this chapter may submit with the application a request for a temporary license to the commission for the immediate commencement of sports wagering operations or other licensed activities provided for under this chapter. The request must include the associated initial license fee payable to the commission. Upon receiving a request for a temporary license, the commission shall review the request. If the commission determines the entity requesting the temporary license is qualified, has demonstrated the entity's ability to operate under the applicable rules, has paid the associated initial license fee, and has submitted the appropriate license application, the commission may authorize the qualified applicant to conduct the licensed activities for one year under a temporary license or until a final determination on the license application is made. An extension may be granted by the commission if approval requires more than one year. Sports wagering activities or services conducted under authority of a temporary license must comply with the operator's house rules adopted pursuant to section 53-06.3-09.
8. The commission shall deposit all fees collected under this section in the sports wagering operating fund.

**53-06.3-08. Retail participating sports wagering location license - Supplier license.**

1. The commission shall issue a retail participating sports wagering location license or a supplier license upon finding the applicant meets all requirements of this chapter and rules adopted under this chapter.
2. An applicant for a retail participating sports wagering location license shall demonstrate the premises meets the criteria and rules adopted under this chapter. An applicant for a supplier license shall demonstrate the equipment, systems, or services the applicant plans to offer to an operator conform to standards established by rule under this chapter.
3. A retail sports wagering location license issued pursuant to this section grants a participating licensee lawful authority to have sports wagering terminals on the licensee's premises that are provided by and linked to the licensed retail sports wagering operator's central system on terms and conditions set forth by agreement between the two licenseholders and rules adopted under this chapter. A supplier license issued pursuant to this section grants a licensee lawful authority to sell or to lease sports wagering equipment, systems, or services to operators in the state within the terms and conditions of the license and any rules adopted under this chapter.
4. A limit may not be imposed on the number of participating locations in the state which may contract with a retail sports wagering licensee. A retail participating sports wagering location licensee is subject to this chapter and the rules adopted under this chapter and may not be restricted by or subject to chapter 53-06.1 or rules adopted under that chapter.
5. The fee for an initial retail participating sports wagering location license is two thousand dollars with a renewal fee of one thousand dollars. The fee for an initial supplier license is seven thousand dollars with a renewal fee of two thousand five hundred dollars. In addition to the license fee, the

- commission may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.
6. Except as provided in subsection 6, a license issued or renewed under this section is valid for three years unless sooner revoked by the commission under section 53-06.3-06.
  7. An applicant for a retail participating sports wagering location license or supplier license may submit with the application a request for a temporary license. A request for a temporary license must include the respective initial license fee. If the commission determines the applicant is qualified under subsection 2, meets the requirements established by rule for a temporary license, and has paid the initial license fee and the commission is not aware of any reason the applicant is ineligible for a license under this section, the commission may issue a temporary license. A temporary license issued under this subsection is valid for three years or until a final determination on the license application is made, whichever is sooner. If after investigation the commission determines the applicant is eligible for a license under this chapter, the commission shall issue the initial license, at which time the temporary license terminates.
  8. The commission shall deposit all fees collected under this section in the sports wagering operating fund.

#### **53-06.3-09. Sports wagering house rules - Internal controls.**

1. An operator shall adopt comprehensive house rules for game play governing sports wagering transactions with the operator's patrons. The rules must specify the amounts to be paid on winning wagers, the circumstances under which the operator will void a bet, treatment of errors, late bets and related contingencies, and the effect of schedule changes. House rules must be approved by the commission before implementation.
2. The house rules, together with any other information the commission determines to be appropriate, must be available in the sports location and mobile wagering system.
3. An operator shall establish internal controls for the operation of retail and mobile sports wagering. The internal controls must be approved by the commission before implementation.

#### **53-06.3-10. Operator duties.**

An operator shall:

1. Employ a monitoring system using software to identify irregularities in volume or odds swings that could signal suspicious activity that requires further investigation. Such activity must be reported immediately to and investigated by the commission. System requirements and specifications must be in accordance with industry standards.
2. Promptly report to the commission any facts or circumstances related to the operation of a licensee which constitute a violation of state or federal law and immediately report any suspicious betting over a threshold set by the operator which has been approved by the commission to the appropriate state or federal authorities.

3. Conduct all sports wagering activities and functions in a manner that does not pose a threat to the public health, safety, or welfare of the citizens of this state.
4. Keep current in all payments and obligations to the commission.
5. Prevent any person from tampering with or interfering with the operation of any sports wagering.
6. Ensure sports wagering occurs using only a retail sports betting system, mobile application, or digital platform approved by the commission which uses communications technology to accept wagers originating in this state or in a state or jurisdiction approved by the commission and consistent with federal law.
7. Maintain sufficient cash and other supplies to conduct sports wagering at all times.
8. Maintain daily records showing the gross sports wagering receipts and net revenue from the gross sports wagering receipts of the licensee and timely file with the commission any additional reports required by rule or this chapter.

**53-06.3-11. System assessment.**

Within ninety days of commencing operations and annually thereafter, an operator shall perform a system integrity and security assessment of the sports wagering system and online sports wagering system conducted by an independent professional authorized by the commission and subject to licensure and approval of the commission. The independent professional's assessment report must be submitted to the commission and must include:

1. Scope of review;
2. Name and company affiliation of the individual who conducted the assessment;
3. Date of assessment;
4. Findings;
5. Recommended corrective action, if applicable; and
6. The operator's response to the findings and recommended corrective action.

**53-06.3-12. Sports wagering agreements.**

1. On behalf of this state, the commission may:
  - a. Enter a sports wagering agreement with another state, territory, nation, jurisdiction, government, or other entity to accept wagers from individuals located outside this state, if entering the sports wagering agreement does not violate state or federal law.
  - b. Take all necessary actions to ensure a sports wagering agreement entered pursuant to this section becomes effective.
2. The commission shall adopt rules to implement this section.

**53-06.3-13. Acceptance of wagers - Excluded persons.**

1. An operator may accept wagers on wagering events by means of computer systems, internet supported, and electronic devices using a computerized wagering system, mobile application, or digital platform

- approved by the commission. An individual placing a wager must be twenty-one years of age or older and physically be located in the state.
2. An operator shall allow patrons to fund a sports wagering account using:
    - a. A debit card;
    - b. A bonus or promotion;
    - c. An electronic bank transfer;
    - d. An online or mobile payment system that supports online money transfers; and
    - e. Any other means approved by the commission.
  3. An operator may accept wagers from a patron physically located in this state through the patron's sports wagering account, using a computerized, mobile application, web-based, or digital platform approved by the commission. The branding for each mobile application or digital platform must be determined by the operator.
  4. An operator may accept layoff wagers placed by other operators, and may place layoff wagers with other operators, as long as an operator that places a wager with another operator informs the operator accepting the wager that the wager is being placed by an operator and discloses the wagering operator's identity.
  5. The commission or an operator may ban a person from participating in the play or operation of sports wagering. A log of all excluded persons must be kept by the commission and shared with each operator, and a person on the commission's exclusion list or an operator's exclusion list may not engage in sports wagering under this chapter.
  6. An employee of an operator may not place a wager on any wagering event through a central retail wagering system, mobile application, or digital platform of that employee's employer.

**53-06.3-14. Sports wagering tax - Revenues - Limitation of other taxes.**

1. For the privilege of holding a license to operate sports wagering under this chapter, a sports wagering tax is imposed on the net revenue of the operator. The accrual method of accounting must be used for purposes of calculating the amount of the tax owed by the licensee.
  - a. The tax is six and seventy-five hundredths percent of the retail sports wagering licensee's net revenue.
  - b. The tax is ten percent of the mobile sports wagering licensee's net revenue.
2. The following provisions govern operator returns and payment of tax pursuant to subsection 1:
  - a. The tax levied and collected pursuant to subsection 1 is due and payable to the commission in quarterly installments on or before the fifteenth calendar day following the calendar end of the quarter in which the net revenue was received.
  - b. On or before the fifteenth calendar day following the end of the quarter, an operator shall complete and submit the return for the preceding quarter by electronic communication to the commission in the form prescribed by the commission that provides:

- (1) The total gross wagering receipts and net revenue from that quarter;
  - (2) The tax amount for which the operator is liable; and
  - (3) Any additional information necessary in the computation and collection of the tax on the net revenue required by the commission.
- c. The tax due must be remitted to the commission by electronic funds transfer at the time the quarterly returns are filed.
  - d. If the net revenue from the total gross wagering receipts for a quarter is a negative number because the winnings paid to a licensee's sports wagering patrons exceed the licensee's gross sports wagering receipts, the commission shall allow the licensee to carry over the negative amount to returns filed for subsequent months. The negative amount of net revenue from total gross sports wagering receipts may not be carried back to an earlier month and money previously received by the commission may not be refunded, except due to a proven error, or if the licensee surrenders the licensee's license and the licensee's last return reported negative net revenue from gross sports wagering receipts.
3. The tax imposed by this section is in lieu of all other state and local taxes and fees imposed on the operation of or the proceeds from the operation of sports wagering.

**53-06.3-15. Sports wagering operating fund - Deposits and allocations.**

There is created in the state treasury the sports wagering operating fund. All moneys received from fees, taxes, interest, fines, and any other moneys collected under this chapter must be deposited in this fund. Pursuant to legislative appropriation, moneys in the fund must be distributed to the commission for the costs of administering and regulating sports wagering in the state, including costs relating to employees, equipment, and supplies.

**53-06.3-16. Civil violation.**

Except as provided in section 53-06.3-17, a person that violates the provisions of this chapter commits a civil violation for which the commission may impose a fine of not more than ten thousand dollars for each violation. The commission shall deposit fines collected under this section in the sports wagering operating fund.

**53-06.3-17. Unauthorized sports wagering - Penalties.**

A person may not conduct sports wagering unless the person is licensed under this chapter. A person violating this section is guilty of a class B misdemeanor. A second violation is a class A misdemeanor. A third or subsequent violation is a class C felony.

**SECTION 3. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on August 1, 2023, if the secretary of state certifies to the legislative council that House Concurrent Resolution No. 3032, as adopted by the sixty-seventh legislative assembly, has been approved by the voters.

**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - SPORTS WAGERING.** During the 2021-23 interim, the legislative management shall consider studying sports wagering. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly."

**REPORT OF STANDING COMMITTEE**

**HB 1281, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (12 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1281 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1285: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1285 was placed on the Sixth order on the calendar.

Page 1, line 24, after the underscored semicolon insert "and"

Page 2, line 1, remove the underscored semicolon

Page 2, remove lines 2 through 4

Page 2, line 5, remove "q. Minority party of the house of representatives"

Page 2, line 27, after the underscored semicolon insert "and"

Page 2, line 28, remove the underscored semicolon

Page 2, remove lines 29 and 30

Page 3, remove lines 1 through 3

Page 3, line 4, remove "organizations; corporate entities; and individuals"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1311: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1311 was placed on the Sixth order on the calendar.

Page 1, line 12, after "a" insert "property or facility owned or leased by a school."

Page 1, line 12, after the first "or" insert "a"

Page 1, line 12, remove "athletic"

Page 1, line 12, replace "sporting" with "school-sanctioned"

Page 3, line 19, after "personnel" insert "or to the life skills and transition center, the North Dakota state hospital, or the regional human service centers' buildings, including satellite locations"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1389: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 2, line 15, after "licensing" insert "**- Fees**"

Page 2, line 18, remove "in the state"

Page 2, line 20, after the underscored period insert "The one-time fee for initial registration is ten thousand dollars, and the annual licensing fee is five thousand dollars."

**Internet live poker - Authorized players.**

An individual playing internet live poker must be twenty-one years of age or older. An individual may not use a credit card to play internet live poker.

Page 2, line 21, remove "sites"

Page 2, line 23, remove "sites"

Page 2, line 24, remove "in the state"

Page 2, line 25, remove "and an annual licensing fee of ten dollars for each player who"

Page 2, remove line 26

Page 2, line 27, remove "internet live poker at any site licensed under this chapter"

Page 2, line 28, replace "The following" with "A"

Page 2, line 28, after "tax" insert "of ten percent"

Page 2, line 29, replace the underscored colon with an underscored period

Page 2, remove lines 30 and 31

Page 3, remove lines 1 through 4

Page 3, line 5, replace "The" with "A"

Page 3, line 6, replace "quarterly" with "monthly"

Page 3, line 13, replace "transfer" with "transfers"

Page 3, line 13, replace "counties for direct property tax relief" with "gambling disorder prevention and treatment fund"

Page 3, line 13, remove "The amount allocated to a"

Page 3, remove lines 14 through 16

Page 3, line 17, remove "under section 57-15-06."

Page 3, line 17, replace "sixty" with "ten"

Page 3, line 20, replace "twenty" with "fifty"

Page 3, line 23, replace "twenty" with "forty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1416: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 6, after the semicolon insert "and"

Page 1, line 8, remove "; to provide a transfer of full-time equivalent positions;"

Page 1, line 9, remove "and to provide a statement of legislative intent"

Page 2, line 28, after "B" insert ", section 619"

Page 7, remove lines 20 through 31

Page 8, remove lines 1 through 7

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1420: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1420 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new subsections to section 19-03.4-02 and chapter 19-24.2 of the North Dakota Century Code, relating to the personal use of marijuana; to amend and reenact section 19-03.1-01, subdivision n of subsection 5 of section 19-03.1-05, subsection 1 of section 19-03.1-22.2, sections 19-03.1-22.3 and 19-03.1-23, subsection 1 of section 19-03.1-23.1, subsection 12 of section 19-03.4-01, sections 19-03.4-03 and 19-03.4-04, subsection 1 of section 39-20-01, section 39-20-14, and subsection 12 of section 65-05-08 of the North Dakota Century Code, relating to the legalization of marijuana; to provide for a legislative management report; to provide a penalty; and to provide an effective date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 19-03.1-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **19-03.1-01. Definitions.**

As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise requires:

1. "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:
  - a. A practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
  - b. The patient or research subject at the direction and in the presence of the practitioner.
2. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.
3. "Anabolic steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids.
4. "Board" means the state board of pharmacy.
5. "Bureau" means the drug enforcement administration in the United States department of justice or its successor agency.
6. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V as set out in this chapter.
7. "Controlled substance analog":
  - a. Means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in a schedule I or II and:

- (1) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system which is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or
  - (2) With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.
- b. Does not include:
- (1) A controlled substance;
  - (2) Any substance for which there is an approved new drug application; or
  - (3) With respect to a particular individual, any substance, if an exemption is in effect for investigational use, for that individual, under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355] to the extent conduct with respect to the substance is pursuant to the exemption.
8. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.
9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.
10. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
11. "Dispenser" means a practitioner who dispenses.
12. "Distribute" means to deliver other than by administering or dispensing a controlled substance.
13. "Distributor" means a person who distributes.
14. "Drug" means:
- a. Substances recognized as drugs in the official United States pharmacopeia national formulary, or the official homeopathic pharmacopeia of the United States, or any supplement to any of them;
  - b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals;
  - c. Substances, other than food, intended to affect the structure or any function of the body of individuals or animals; and
  - d. Substances intended for use as a component of any article specified in subdivision a, b, or c. The term does not include devices or their components, parts, or accessories.

15. ~~"Hashish" means the resin extracted from any part of the plant cannabis with or without its adhering plant parts, whether growing or not, and every compound, manufacture, salt, derivative, mixture, or preparation of the resin.~~
46. "Immediate precursor" means a substance:
- That the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
  - That is an immediate chemical intermediary used or likely to be used in the manufacture of the controlled substance; and
  - The control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.
- ~~47-16.~~ "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled substance:
- By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
  - By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.
- ~~48-17.~~ "Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the:
- ~~The~~ The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. ~~The term marijuana does not include hemp as defined in title 4.1.~~
  - Hemp as defined in chapter 4.1-18.1;
  - A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355]; or
  - Adult-use cannabis products purchased, possessed, or consumed by an adult-use cannabis consumer in accordance with chapter 19-24.2.
- ~~49-18.~~ "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- a. Opium and opiate and any salt, compound, derivative, or preparation of opium or opiate.
  - b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
  - c. Opium poppy and poppy straw.
  - d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.
- ~~20-19.~~ "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term does not include, unless specifically designated as controlled under section 19-03.1-02, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes its racemic and levorotatory forms.
- ~~21-20.~~ "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds.
- ~~22-21.~~ "Over-the-counter sale" means a retail sale of a drug or product other than a controlled, or imitation controlled, substance.
- ~~23-22.~~ "Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- ~~24-23.~~ "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- ~~25-24.~~ "Practitioner" means:
- a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered, or otherwise permitted by the jurisdiction in which the individual is practicing to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research.
  - b. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.
- ~~26-25.~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.
- ~~27-26.~~ "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by a person, whether as principal, proprietor, agent, servant, or employee.
- ~~28-27.~~ "Scheduled listed chemical product" means a product that contains ephedrine, pseudoephedrin, or phenylpropanolamine, or each of the salts, optical isomers, and salts of optical isomers of each chemical, and that may be marketed or distributed in the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] as a nonprescription drug unless prescribed by a licensed physician.

- ~~29-28.~~ "State" when applied to a part of the United States includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States.
- ~~30-29.~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

**SECTION 2. AMENDMENT.** Subdivision n of subsection 5 of section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

- n. (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; ~~excluding tetrahydrocannabinols found in hemp as defined in title 4-1;~~ such as the following:
- ~~(1)(a)~~ Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
  - ~~(2)(b)~~ Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers.
  - ~~(3)(c)~~ Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(2) Tetrahydrocannabinols does not include:

- (a) Tetrahydrocannabinols found in hemp as defined in chapter 4.1-18.1; or
- (b) Adult-use cannabis products purchased, possessed, or consumed by an adult-use cannabis consumer in accordance with chapter 19-24.2.

**SECTION 3. AMENDMENT.** Subsection 1 of section 19-03.1-22.2 of the North Dakota Century Code is amended and reenacted as follows:

1. For purposes of this section:
  - a. "Chemical substance" means a substance intended to be used as a precursor in the manufacture of a controlled substance or any other chemical intended to be used in the manufacture of a controlled substance. Intent under this subsection may be demonstrated by the substance's use, quantity, manner of storage, or proximity to other precursors or to manufacturing equipment.
  - b. "Child" means an individual who is under the age of eighteen years.
  - c. "Controlled substance" means the same as that term is defined in section 19-03.1-01, ~~except the term does not include less than one-half ounce of marijuana.~~
  - d. "Drug paraphernalia" means the same as that term is defined in section 19-03.4-01.

- e. "Prescription" means the same as that term is described in section 19-03.1-22.
- f. "Vulnerable adult" means a vulnerable adult as the term is defined in section 50-25.2-01.

**SECTION 4. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.**

1. Except as provided in subsection 2, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class A misdemeanor. ~~This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana.~~
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana or tetrahydrocannabinol, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of ~~a class B misdemeanor~~ an infraction.
3. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

**SECTION 5. AMENDMENT.** Section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-23. Prohibited acts - Penalties.**

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:
  - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony.
  - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog is guilty of a class B felony.
  - c. A substance classified in schedule IV, is guilty of a class C felony.
  - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsection 1.
3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates

section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:

- a. A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
  - b. A counterfeit substance classified in schedule IV, is guilty of a class C felony.
  - c. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
4. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
  5. Except for a prior conviction equivalent to a misdemeanor violation of subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this title or a law of another state or the federal government which is equivalent to an offense with respect to the manufacture, delivery, or intent to deliver a controlled substance under this title committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsection 1. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.
  6. It is unlawful for a person to willfully, as defined in section 12.1-02-02:
    - a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
    - b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.

A person who violates this subsection is guilty of a class C felony.

7.
  - a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
  - b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense under this subsection and a class C felony for a second or subsequent offense under this subsection.
  - c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana.

- d. A person who violates this subsection by possessing:
- (1) ~~Marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.~~
  - (2) ~~At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.~~
  - (3) ~~More than 500 grams of marijuana is guilty of a class A misdemeanor.~~under the age of twenty-one is in violation of this subsection by possessing:
    - (1) Marijuana:
      - (a) In an amount less than one ounce [28.35 grams] is guilty of an infraction.
      - (b) At least one ounce [28.35 grams] but not more than two ounces [56.70 grams] is guilty of a class B misdemeanor.
      - (c) More than two ounces [56.70 grams] but less than 500 grams is guilty of a class A misdemeanor.
    - (2) Tetrahydrocannabinol:
      - (a) In an amount up to the applicable maximum amount authorized by chapter 19-24.2 is guilty of an infraction.
      - (b) More than the applicable maximum amount authorized by chapter 19-24.2 but less than two times the applicable maximum amount authorized by chapter 19-24.2 is guilty of a class B misdemeanor.
      - (c) At least two times the applicable maximum amount authorized by chapter 19-24.2 is guilty of a class A misdemeanor.
- e. A person age twenty-one or older is in violation of this section by possessing:
- (1) More than one ounce [28.35 grams] of marijuana but not more than two ounces [56.70 grams] of marijuana is guilty of a class B misdemeanor.
  - (2) More than two ounces [56.70 grams] but less than 500 grams is guilty of a class A misdemeanor.
  - (3) More than the applicable maximum amount of tetrahydrocannabinol authorized by chapter 19-24.2 but less than two times the applicable maximum amount of tetrahydrocannabinol authorized by chapter 19-24.2 is guilty of a class B misdemeanor.
  - (4) At least two times the applicable maximum amount of tetrahydrocannabinol authorized by chapter 19-24.2 is guilty of a class A misdemeanor.
- e.f. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.

- f.g. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
  - g.h. Probation under this subsection may include placement in another facility, treatment program, or drug court. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
  - h.i. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
  - i.j. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
8. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation.
  9. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana or an amount up to the applicable maximum amount of tetrahydrocannabinol authorized by chapter 19-24.2 and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.
  10. Upon successful completion of a drug court program, a person who has been convicted of a felony under this section and sentenced to drug court is deemed to have been convicted of a misdemeanor.
  11. If a person convicted of a misdemeanor under this section is sentenced to drug court and successfully completes a drug court program, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

**SECTION 6. AMENDMENT.** Subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A person who violates section 19-03.1-23 is subject to the penalties provided in subsection 2 if:
  - a. The offense was committed during a school sponsored activity or was committed during the hours of six a.m. to ten p.m. if school is in session, the offense involved the manufacture, delivery, or possession, with intent to manufacture or deliver a controlled substance in, on, or within three hundred feet [91.4 meters] of the real property comprising a preschool facility, a public or private elementary or secondary school, or a public career and technical education school, the defendant was at least twenty-one years of age at the time of the offense, and the offense involved the delivery of a controlled substance to a minor;
  - b. The offense involved:

- (1) Fifty grams or more of a mixture or substance containing a detectable amount of heroin;
  - (2) Fifty grams or more of a mixture or substance containing a detectable amount of:
    - (a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
    - (b) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
    - (c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
    - (d) Any compound, mixture, or preparation that contains any quantity of any of the substance referred to in subparagraphs a through c;
  - (3) Twenty-eight grams or more of a mixture or substance described in paragraph 2 which contains cocaine base;
  - (4) Ten grams or more of phencyclidine or one hundred grams or more of a mixture or substance containing a detectable amount of phencyclidine;
  - (5) One gram, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide;
  - (6) Forty grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or ten grams or more of a mixture or substance containing a detectable amount of any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;
  - (7) Fifty grams or more of a mixture or substance containing a detectable amount of methamphetamine;
  - (8) Ten grams, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of 3,4-methylenedioxy-N-methylamphetamine, C<sub>11</sub>H<sub>15</sub>NO<sub>2</sub>;
  - (9) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of gamma-hydroxybutyrate or gamma-butyrolactone or 1,4 butanediol or any substance that is an analog of gamma-hydroxybutyrate;
  - (10) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of flunitrazepam;
  - (11) Five hundred grams or more of marijuana; or
  - (12) Tetrahydrocannabinol in an amount more than four times the applicable maximum amount authorized by chapter 19-24.2; or
- c. The defendant had a firearm in the defendant's actual possession at the time of the offense.

**SECTION 7. AMENDMENT.** Subsection 12 of section 19-03.4-01 of the North Dakota Century Code is amended and reenacted as follows:

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, or cocaine, hashish, or hashish oil into the human body, including:
  - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, ~~hashish heads~~, or punctured metal bowls.
  - b. Water pipes.
  - c. Carburetion tubes and devices.
  - d. Smoking and carburetion masks.
  - e. Objects, sometimes commonly referred to as roach clips, used to hold burning material, for example, a marijuana cigarette, that has become too small or too short to be held in the hand.
  - f. Miniature cocaine spoons and cocaine vials.
  - g. Chamber pipes.
  - h. Carburetor pipes.
  - i. Electric pipes.
  - j. Air-driven pipes.
  - k. Chillums.
  - l. Bongs.
  - m. Ice pipes or chillers.

**SECTION 8.** Two new subsections to section 19-03.4-02 of the North Dakota Century Code are created and enacted as follows:

Whether the object is used by a registered qualifying patient, registered designated caregiver, compassion center, or compassion center agent in accordance with chapter 19-24.1.

Whether the object is used by an adult-use cannabis consumer, adult-use cannabis business, or adult-use cannabis business agent in accordance with chapter 19-24.2.

**SECTION 9. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

1. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of chapter 19-03.1. A person violating this subsection is guilty of a class C felony if the drug paraphernalia is used, or possessed with intent to be used, to manufacture, compound, convert, produce, process, prepare, test, or analyze a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1.

2. A person may not use or possess with the intent to use drug paraphernalia to inject, ingest, inhale, or otherwise induce into the human body a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor. If a person previously has been convicted of an offense under this title, other than an offense related to marijuana or tetrahydrocannabinol, or an equivalent offense from another court in the United States, a violation of this subsection is a class C felony.
3. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, or repack marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor. An adult-use cannabis business or adult-use cannabis business agent acting in accordance with chapters 19-24.1 and 19-24.2 is not subject to prosecution under this subsection.
4. A person may not use or possess with the intent to use drug paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol or possess with the intent to use drug paraphernalia to store or contain marijuana or tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection is guilty of an infraction. The following persons are not subject to prosecution under this subsection:
  - a. A registered qualifying patient, registered designated caregiver, compassion center, or compassion center agent acting in accordance with chapter 19-24.1.
  - b. An adult-use cannabis consumer, adult-use cannabis business, or adult-use cannabis business agent acting in accordance with chapter 19-24.2.
5. A person sentenced to the legal and physical custody of the department of corrections and rehabilitation under this section may be placed in a drug and alcohol treatment program as designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the person from imprisonment to begin any court-ordered period of probation. If the person is not subject to court-ordered probation, the court may order the person to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
6. Probation under this section may include placement in another facility, treatment program, or drug court. If the person is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.

**SECTION 10. AMENDMENT.** Section 19-03.4-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.4-04. Unlawful manufacture or delivery of drug paraphernalia - Penalty.**

1. A person may not deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, if that person knows or should reasonably know that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of chapter 19-03.1. Any person violating this section is guilty of a class C felony if the drug paraphernalia will be used to manufacture, compound, convert, produce, process,

prepare, test, inject, ingest, inhale, or analyze a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1. Otherwise, a violation of this section is a class A misdemeanor.

2. The following persons are not subject to prosecution under this subsection:
  - a. A registered designated caregiver, compassion center, or compassion center agent acting in accordance with chapter 19-24.1.
  - b. An adult-use cannabis business or adult-use cannabis business agent acting in accordance with chapter 19-24.2.

**SECTION 11.** Chapter 19-24.2 of the North Dakota Century Code is created and enacted as follows:

**19-24.2-01. Definitions.**

As used in this chapter, unless the context indicates otherwise:

1. "Adult-use cannabinoid capsule" means a small, soluble container, usually made of gelatin, which encloses a dose of an adult-use cannabinoid product or an adult-use cannabinoid concentrate intended for consumption. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of an adult-use cannabinoid capsule is ten milligrams.
2. "Adult-use cannabinoid concentrate" means an adult-use cannabinoid concentrate or extract obtained by separating cannabinoids from cannabis by a mechanical, chemical, or other process.
3. "Adult-use cannabinoid edible product" means a soft or hard lozenge in a geometric square shape into which an adult-use cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of an adult-use cannabinoid edible product is ten milligrams and in a package is one hundred milligrams.
4. "Adult-use cannabinoid product" means a product intended for human consumption or use which contains cannabinoids.
  - a. Adult-use cannabinoid products are limited to the following forms:
    - (1) Adult-use cannabinoid solution;
    - (2) Adult-use cannabinoid capsule;
    - (3) Adult-use cannabinoid transdermal patch;
    - (4) Adult-use cannabinoid topical; and
    - (5) Adult-use cannabinoid edible product.
  - b. The term does not include:
    - (1) An adult-use cannabinoid concentrate by itself; or
    - (2) The dried leaves or flowers of the plant of the genus cannabis by itself.
5. "Adult-use cannabinoid solution" means a solution consisting of a mixture created from an adult-use cannabinoid concentrate and other

- ingredients. A container holding an adult-use cannabinoid solution for dispensing may not exceed thirty milliliters.
6. "Adult-use cannabinoid topical" means an adult-use cannabinoid product intended to be applied to the skin or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in an adult-use cannabinoid topical is six percent.
  7. "Adult-use cannabinoid transdermal patch" means an adhesive substance applied to the skin which contains an adult-use cannabinoid product or an adult-use cannabinoid concentrate for absorption into the bloodstream. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of an adult-use cannabinoid transdermal patch is ten milligrams.
  8. "Adult-use cannabis" means the dried leaves or flowers of the plant of the genus cannabis.
  9. "Adult-use cannabis business" means a manufacturing facility or dispensary.
  10. "Adult-use cannabis business agent" means a principal officer, board member, member, manager, governor, employee, volunteer, or agent of an adult-use cannabis business. The term does not include a lawyer representing an adult-use cannabis business in civil or criminal litigation or in an adversarial administrative proceeding.
  11. "Adult-use cannabis consumer" means in individual, twenty-one years of age or older, who purchases approved adult-use cannabis products for personal use, but not for resale to others.
  12. "Adult-use cannabis product" means adult-use cannabis, an adult-use cannabinoid concentrate, or adult-use cannabinoid product.
  13. "Cannabinoid" means a chemical compound that is one of the active constituents of cannabis.
  14. "Cannabis" is a genus of flowering plants within the Cannabaceae family and means all parts of the plant, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacturer, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:
    - a. Hemp regulated under chapter 4.1-18.1; or
    - b. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
  15. "Cannabis waste" means unused, surplus, returned, or out-of-date adult-use cannabis products; recalled adult-use cannabis products; unused cannabis; or plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots.
  16. "Cardholder" means an adult-use cannabis business agent who has been issued and possesses a valid registry identification card.
  17. "Department" means the state department of health.
  18. "Dispensary" means an entity registered by the department as an adult-use cannabis business authorized to sell adult-use cannabis products.
  19. "Enclosed and locked facility" means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security

- devices that permit access limited to individuals authorized under this chapter or rules adopted under this chapter.
20. "Manufacturing facility" means an entity registered by the department as an adult-use cannabis business authorized to produce and process cannabis and to sell adult-use cannabis products to a dispensary.
21. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount of tetrahydrocannabinol and tetrahydrocannabinolic acid in an adult-use cannabinoid concentrate or an adult-use cannabinoid product.
22. "Owner" means an individual or an organization with an ownership interest in an adult-use cannabis business.
23. "Ownership interest" means an aggregate ownership interest of five percent or more in an adult-use cannabis business, unless such interest is solely a security, lien, or encumbrance, or an individual that will be participating in the direction, control, or management of the adult-use cannabis business.
24. "Processing" or "process" means the compounding or conversion of cannabis into an adult-use cannabinoid concentrate or adult-use cannabinoid product.
25. "Producing", "produce", or "production" mean the planting, cultivating, growing, trimming, or harvesting of cannabis or the drying of the leaves or flowers of cannabis.
26. "Registration certificate" means written authorization provided by the department under this chapter permitting an adult-use cannabis business to engage in a specified activity authorized pursuant to this chapter.
27. "Registry identification card" means a document issued by the department which identifies an individual as a registered adult-use cannabis business agent.
28. "School" means an institution of learning and education especially for children, the collective body of students under instruction in an institution of learning, and a group of individuals adhering to the same philosophy or system of beliefs.
29. "Substantial corporate change" means:
- a. For a corporation, a change of ten percent or more of the officers or directors, or a transfer of ten percent or more of the stock of such corporation, or an existing stockholder obtaining ten percent or more of the stock of the corporation;
  - b. For a limited liability company, a change of ten percent or more of the managing members of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company; or
  - c. For a partnership, a change of ten percent or more of the managing partners of the partnership, or a transfer of ten percent or more of the ownership interest in the partnership, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the partnership.
30. "Verification system" means the system maintained by the department for verification of registry identification cards.

**19-24.2-02. Adult-use cannabis program.**

The department shall establish and implement an adult-use cannabis program to allow for the production and processing of cannabis and the sale of adult-use cannabis products to an individual who is twenty-one years of age and older, subject to the provisions of this chapter. A person may not produce, process, sell, possess, consume, transport, or transfer cannabis or adult-use cannabis products unless the person is authorized to do so in accordance with this chapter or by rule adopted pursuant to this chapter.

**19-24.2-03. Adult-use cannabis business.**

1. A person may not process, produce, or transfer adult-use cannabis products or otherwise act as an adult-use cannabis business in this state unless the person is registered as an adult-use cannabis business.
2. As of July 1, 2023, the department may not register more than:
  - a. Seven adult-use cannabis businesses with the sole purpose of operating as a manufacturing facility; and
  - b. Eighteen adult-use cannabis businesses with the sole purpose of operating as a dispensary.
3. An adult-use cannabis business registered under this chapter may not sell adult-use cannabis products to adult-use cannabis consumers until July 1, 2022.
4. An adult-use cannabis business registered under this chapter shall provide registered qualifying patients and registered designated caregivers access to usable marijuana in accordance with chapter 19-24.1. An adult-use cannabis business shall comply with all requirements in chapter 19-24.1.
5. The department shall establish an open application period for the submission of adult-use cannabis business applications. At the completion of the open application period, the department shall review each complete application using a competitive process established in accordance with rules adopted under this chapter and shall determine which applicants to register as adult-use cannabis businesses.
6. If the department revokes or does not renew an adult-use cannabis business registration certificate, the department may establish an open application period for the submission of adult-use cannabis business applications.
7. The department of commerce may not certify an adult-use cannabis business as a primary sector business.

**19-24.2-04. Adult-use cannabis business - Authority - Ownership.**

1. The activities of a manufacturing facility are limited to producing, processing, and related activities, including acquiring, possessing, storing, transferring, and transporting cannabis and adult-use cannabis products, for the sole purpose of selling adult-use cannabis products to a dispensary.
2. The activities of a dispensary are limited to purchasing adult-use cannabis products from a manufacturing facility and related activities, including storing, delivering, transferring, and transporting adult-use cannabis products, for the sole purpose of dispensing adult-use cannabis products to adult-use cannabis consumers.
3. The activities of a dispensary includes providing education material and selling supplies related to the consumption and storage of adult-use

cannabis products. A dispensary may sell only supplies related to the consumption and storage of adult-use cannabis products to an adult-use cannabis consumer. All education material and supplies related to the consumption and storage of adult-use cannabis products are subject to prior department approval.

4. An individual or an organization may not hold an ownership interest in:
  - a. More than one manufacturing facility.
  - b. More than four dispensaries.
  - c. More than one dispensary within a twenty-mile [32.19 kilometers] radius of another dispensary.
5. A manufacturing facility and dispensary may not enter an agreement under which a dispensary agrees to limit purchases or sales of adult-use cannabis products to one manufacturing facility.

**19-24.2-05. Adult-use cannabis business - Application.**

1. The department shall establish forms for an applicant to be registered as an adult-use cannabis business. For an adult-use cannabis business registration application to be complete and eligible for review, the applicant shall submit to the department:
  - a. A nonrefundable application fee, not to exceed five thousand dollars, made payable to the "State Department of Health".
  - b. The legal name, articles of incorporation or articles of organization, and bylaws or operating agreement of the proposed adult-use cannabis business applicant.
  - c. Evidence of the proposed adult-use cannabis business applicant's registration with the secretary of state and certificate of good standing.
  - d. The physical address of the proposed location of the proposed adult-use cannabis business and:
    - (1) Evidence of approval from local officials as to the proposed adult-use cannabis business applicant's compliance with local zoning laws for the physical address to be used by the proposed cannabis business; and
    - (2) Evidence the physical address of the proposed adult-use cannabis business is not located within one thousand feet [304.80 meters] of a property line of a pre-existing public or private school.
  - e. For a manufacturing facility applicant, a description of the enclosed and locked facility that would be used in the production and processing of cannabis, including steps that will be taken to ensure the production and processing is not visible from the street or other public areas.
  - f. The name, address, and date of birth of each principal officer and board member, or of each member-manager, manager, or governor, of the proposed adult-use cannabis business applicant and verification each officer and board member, or each member-manager, manager, or governor, has consented to a criminal history record check conducted under section 12-60-24.
  - g. For each of the proposed adult-use cannabis business applicant's principal officers and board members, or for each of the proposed

- adult-use cannabis business applicant's member-managers, managers, or governors, a description of that individual's relevant experience, including training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, food science, food safety, production, processing, and the individual's experience running a business entity.
- h. A description of proposed security and safety measures.
  - i. An example of the design and security features of adult-use cannabis product containers.
  - j. A complete operations manual.
  - k. A description of the plans for making usable marijuana available on an affordable basis to registered qualifying patients with limited financial resources in accordance with chapter 19-24.1.
  - l. A list of all individuals and business entities having direct or indirect authority over the management or policies of the proposed adult-use cannabis business applicant.
  - m. A list of all individuals and business entities having an ownership interest in the proposed adult-use cannabis business applicant, whether direct or indirect, and whether the interest is in profits, land, or building, including owners of any business entity that owns all or part of the land or building.
  - n. The identity of any creditor holding a security interest in the proposed adult-use cannabis business premises.
2. The department is not required to review an application submitted under this section unless the department determines the application is complete. The criteria considered by the department in reviewing an application must include:
- a. The suitability of the proposed adult-use cannabis business location, including compliance with any local zoning laws, and the geographic convenience to access adult-use cannabis businesses for adult-use consumers throughout the state;
  - b. The character and relevant experience of the principal officers and board members, or of the member-managers, managers, or governors, including training or professional licensing and business experience;
  - c. The applicant's plan for operations and services, including staffing and training plans, whether the applicant has sufficient capital to operate, and the applicant's ability to provide an adequate supply of adult-use cannabis products and usable marijuana as defined in chapter 19-24.1;
  - d. The sufficiency of the applicant's plans for recordkeeping;
  - e. The sufficiency of the applicant's plans for safety, security, and the prevention of diversion, including the proposed location and security devices employed;
  - f. The applicant's plan for making usable marijuana, as defined in chapter 19-24.1, available on an affordable basis to registered qualifying patients with limited financial resources;
  - g. The applicant's plan for safe and accurate packaging and labeling of adult-use cannabis products; and

- h. The applicant's plans for testing adult-use cannabis products and cannabis.
- 3. Following completion of the review under subsection 2, the department shall select the applicants eligible for registration.

**19-24.2-06. Adult-use cannabis business - Registration.**

- 1. Upon receiving notification by the department that an adult-use cannabis business application is eligible for registration, the applicant shall submit all of the following items to the department to qualify for registration:
  - a. A certification fee, made payable to the "State Department of Health", in an amount not to exceed ninety thousand dollars for a dispensary and one hundred ten thousand dollars for a manufacturing facility.
  - b. A financial assurance or security bond to ensure the protection of the public health and safety and the environment in the event of abandonment, default, or other inability or unwillingness to meet the requirements of this chapter.
  - c. The physical address of the proposed adult-use cannabis business; confirmation the information in the application regarding the physical location of the proposed adult-use cannabis business has not changed, and if the information has changed the department shall determine whether the new information meets the requirements of this chapter; and a current certificate of occupancy, or equivalent document, to demonstrate compliance with the provisions of state and local fire code for the physical address of the proposed adult-use cannabis business. It is not necessary for an applicant to resubmit any information provided in the initial application unless there has been a change in that information.
  - d. An update to previously submitted information, including information about adult-use cannabis business agents.
- 2. If an applicant complies with subsection 1, the department shall issue the applicant a registration certificate.

**19-24.2-07. Adult-use cannabis business - Renewal.**

- 1. An adult-use cannabis business registration certificate expires two years after issuance. An adult-use cannabis business may submit a renewal application at any time beginning ninety calendar days before the expiration of the registration certificate. An adult-use cannabis business shall submit a renewal application a minimum of sixty calendar days before the expiration of the registration certificate to avoid suspension of the certificate.
- 2. The department shall approve an adult-use cannabis business's renewal application within sixty calendar days of submission if:
  - a. The adult-use cannabis business submits a renewal fee, in the amount not to exceed ninety thousand dollars for a dispensary and one hundred ten thousand dollars for a manufacturing facility, which the department shall refund if the department rejects the renewal application;
  - b. The adult-use cannabis business submits a complete renewal application;
  - c. The department has at no time suspended the adult-use cannabis business's registration for violation of this chapter or chapter 19-24.1;

- d. Inspections conducted under this chapter do not raise any serious concerns about the continued operation of the adult-use cannabis business; and
  - e. The adult-use cannabis business continues to meet all the requirements for the operation of an adult-use cannabis business as set forth in this chapter, chapter 19-24.1, and rules adopted under this chapter.
3. If an adult-use cannabis business does not meet the requirements for renewal, the department may not issue a registration certificate and the department shall provide the adult-use cannabis business with written notice of the determination. If an adult-use cannabis business's certificate is not renewed, the adult-use cannabis business shall dispose of all cannabis and adult-use cannabis products in accordance with rules adopted under this chapter.

**19-24.2-08. Adult-use cannabis business - Registration certificates.**

A registration certificate authorizing the operation of an adult-use cannabis must include:

1. The name and address of the adult-use cannabis business;
2. Whether the type of adult-use cannabis business is a manufacturing facility or dispensary;
3. A unique license number issued by the department; and
4. Any other information deemed necessary by the department.

**19-24.2-09. Adult-use cannabis business - Notification of changes.**

1. Upon application of an adult-use cannabis business to the department, a registration certificate of an adult-use cannabis business may be amended to authorize a change in the authorized physical location of the adult-use cannabis business, or to amend the ownership or organizational structure of the adult-use cannabis business with the registration certificate. An adult-use cannabis business shall provide the department a written notice of any change described under this section at least sixty calendar days before the proposed effective date of the change.
2. A registration certificate authorizing the operation of an adult-use cannabis business is void upon a change in ownership, substantial corporate change, change in location, or discontinued operation, without prior approval of the department. The health council may adopt rules allowing for certain types of changes in ownership without the need for prior written approval from the department.
3. The department shall authorize the use of additional structures located within five hundred feet [152.40 meters] of the location described in the original application, unless the department makes an affirmative finding the use of additional structures would jeopardize public health or safety or would result in the cannabis business being within one thousand feet [304.80 meters] of a property line of a pre-existing public or private school. The department may waive all or part of the required advance notice to address emergent or emergency situations.

**19-24.2-10. Adult-use cannabis business - Agents - Registry identification cards.**

1. Upon issuance of an adult-use cannabis business registry certificate, the department shall issue a registry identification card to each qualified

- adult-use cannabis business agent associated with the adult-use cannabis business.
2. To qualify to be issued a registry identification card, each adult-use cannabis business agent must be at least twenty-one years of age and shall submit all of the following registry identification card application material to the department:
    - a. A photographic copy of the agent's department-approved identification. The agent shall make the identification available for inspection and verification by the department.
    - b. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.
    - c. A written and signed statement from an officer or executive staff member of the adult-use cannabis business stating the applicant is associated with the adult-use cannabis business and the capacity of the association.
    - d. The name, address, and telephone number of the agent.
    - e. The name, address, and telephone number of the adult-use cannabis business with which the agent is associated.
    - f. The agent's signature and the date.
    - g. A nonrefundable application or renewal fee in the amount of two hundred dollars.
  3. Each adult-use cannabis business agent shall consent to a criminal history record check conducted under section 12-60-24 to demonstrate compliance with the eligibility requirements.
    - a. All applicable fees associated with the required criminal history record checks must be paid by the adult-use cannabis business or the agent.
    - b. A criminal history record check must be performed upon initial application and biennially upon renewal. An adult-use cannabis business agent shall consent to a criminal history record check at any time the department determines necessary.
    - c. An individual convicted of a drug-related misdemeanor offense within the five-year period before the date of application or a felony offense is prohibited from being an adult-use cannabis business agent.
  4. The department shall notify the adult-use cannabis business in writing of the purpose for denying an adult-use cannabis business agent application for a registry identification card. The department shall deny an application if the agent fails to meet the registration requirements or to provide the information required, or if the department determines the information provided is false. The cardholder may appeal a denial or revocation of a registry identification card to the district court of Burleigh County. The court may authorize the cardholder to appear by reliable electronic means.
  5. The department shall issue an adult-use cannabis business agent a registry identification card within thirty calendar days of approval of an application.
  6. Within ten calendar days of a change in the cardholder's name or address or knowledge of a change that would render the adult-use cannabis business agent no longer eligible to be a cardholder, an

adult-use cannabis business agent with a registry identification card shall notify the department in a manner prescribed by the department.

7. If an adult-use cannabis business agent loses the agent's registry identification card, that agent shall notify the department in writing within twenty-four hours of becoming aware the card has been lost.
8. If a cardholder notifies the department of items listed in this section but the nature of the item reported results in the cardholder remaining eligible, the department may issue the cardholder a new registry identification card with a new random ten-digit alphanumeric identification number within twenty calendar days of approving the updated information and the cardholder shall pay a fee, not to exceed twenty-five dollars. If a cardholder notifies the department of an item that results in the cardholder being ineligible, the registry identification card becomes void immediately.
9. An adult-use cannabis business shall notify the department in writing within two calendar days of the date an adult-use cannabis business agent ceases to work for or be associated with the adult-use cannabis business. Upon receipt of the notification, that individual's registry identification card is void.
10. The registry identification card of an adult-use cannabis business agent expires one year after issuance or upon the termination of the adult-use cannabis business's registration certificate, whichever occurs first. To prevent interruption of possession of a valid registry identification card, an adult-use cannabis business agent shall renew a registry identification card by submitting a complete renewal application no fewer than forty-five calendar days before the expiration date of the existing registry identification card.

**19-24.2-11. Registry identification card - Nontransferable.**

A registry identification card of an adult-use cannabis business agent is not transferable, by assignment or otherwise, to another person. If a person attempts to transfer a card in violation of this section, the registry identification card is void and the person is prohibited from all privileges provided under this chapter.

**19-24.2-12. Registry identification card.**

1. The registry identification card of an adult-use cannabis business agent must include:
  - a. The name of the cardholder;
  - b. The cardholder's affiliated adult-use cannabis business;
  - c. The date of issuance and expiration date;
  - d. A random ten-digit alphanumeric identification number containing at least four numbers and at least four letters which is unique to the cardholder;
  - e. A photograph of the cardholder; and
  - f. The phone number or website address at which the card can be verified.
2. Except as otherwise provided in this section or rule adopted under this chapter, a registry identification card expiration date is one year after the date of issuance.

**19-24.2-13. Adult-use cannabis business - Adult-use cannabis agents - Suspension - Revocation.**

1. The department may suspend or revoke the registry identification card of an adult-use cannabis business agent or a registration certificate of an adult-use cannabis business for a material misstatement by an applicant in an application or renewal.
2. The department may suspend or revoke a registry identification card of an adult-use cannabis business agent or registration certificate of an adult-use cannabis business for a violation of this chapter or rules adopted under this chapter.
3. If an adult-use cannabis business agent or an adult-use cannabis business sells or otherwise transfers cannabis or adult-use cannabis products to a person not authorized to possess cannabis or adult-use cannabis products under this chapter, the department may suspend or revoke the registry identification card of the adult-use cannabis business agent or the registration certificate of the adult-use cannabis business, or both.
4. If an adult-use cannabis business agent or an adult-use cannabis business sells or otherwise transfers cannabis or adult-use cannabis products in a form not authorized under this chapter or chapter 19-24.1, the department may suspend or revoke the registry identification card of the adult-use cannabis business agent or the registration certificate of the adult-use cannabis business, or both.
5. The department shall provide written notice of suspension or revocation of a registry identification card or registration certificate.
  - a. A suspension may not be for a period longer than six months.
  - b. A manufacturing facility may continue to produce, process, and possess cannabis and adult-use cannabis products during a suspension, but may not transfer or sell adult-use cannabis products.
  - c. A dispensary may continue to possess adult-use cannabis products during a suspension, but may not purchase or transfer adult-use cannabis products.
  - d. An adult-use cannabis business agent or adult-use cannabis business may appeal a suspension or revocation of a registry identification card or registration certificate to the district court of Burleigh County. The court may authorize the adult-use cannabis business agent or adult-use cannabis business to appear by reliable electronic means.
6. If the department revokes a registry identification card of an adult-use cannabis business agent under this chapter, the adult-use cannabis business agent is disqualified from further participation under this chapter.

**19-24.2-14. Adult-use cannabis business - Adult-use cannabis business agents - Violations - Penalties.**

1. An adult-use cannabis business agent or adult-use cannabis business that fails to provide a notice as required under this chapter shall pay to the department a fee in an amount established by the department, not to exceed one hundred fifty dollars.
2. In addition to any other penalty applicable in law, a manufacturing facility or an adult-use cannabis business agent of a manufacturing facility is guilty of a class B felony for intentionally selling or otherwise transferring cannabis or adult-use cannabis products in any form, to a person other

- than a dispensary, or for intentionally selling or otherwise transferring cannabis in any form other than adult-use cannabis products, to a dispensary.
3. In addition to any other penalty applicable in law, a dispensary or an adult-use cannabis business agent of a dispensary for intentionally selling or otherwise transferring adult-use cannabis products, to an individual who is under twenty-one years of age, in a form not allowed under this chapter, or in an amount that would cause the adult-use cannabis consumer to purchase or possess more than the amount of adult-use cannabis products authorized by this chapter is guilty of a class B felony.
  4. In addition to any other penalty applicable in law, a dispensary or an adult-use cannabis business agent of a dispensary which intentionally sells or otherwise transfers paraphernalia, to an individual who is under twenty-one years of age, or in a form not allowed under this chapter is guilty of a class A misdemeanor. A dispensary or an adult-use cannabis business agent is not subject to prosecution under this subsection for selling paraphernalia to a registered qualifying patient who is nineteen years of age or older under chapter 19-24.1.
  5. In addition to any other penalty applicable in law, an adult-use cannabis business or an adult-use cannabis business agent that intentionally sells or otherwise transfers adult-use cannabis products in a form not allowed under this chapter is guilty of a class B felony.
  6. An adult-use cannabis business or an adult-use cannabis business agent that knowingly submits false records or documentation required by the department to certify an adult-use cannabis business under this chapter is guilty of a class C felony.
  7. In addition to any other penalty applicable in law, if an adult-use cannabis business violates this chapter the department may fine the adult-use cannabis business up to one thousand dollars per violation, per day, and upon subsequent violations a fine not to exceed five thousand dollars per violation, per day.
  8. In addition to any other penalty applicable in law, an adult-use cannabis consumer who intentionally sells or otherwise transfers adult-use cannabis products, to an individual who is under twenty-one years of age, is guilty of a class B felony. An individual convicted under this subsection is disqualified from further participation under this chapter.
  9. An individual who knowingly submits false records or documentation required by the department to receive an adult-use cannabis business agent registry identification card is guilty of a class A misdemeanor. An individual convicted under this subsection may not continue to be affiliated with an adult-use cannabis business.

**19-24.2-15. Adult-use cannabis business - Transfer - Sale.**

1. An adult-use cannabis business shall comply with the transfer and sale requirements of this section.
2. Design and security features of adult-use cannabis products containers must be in accordance with rules adopted under this chapter.
3. A manufacturing facility or an adult-use cannabis business agent of the manufacturing facility may not transfer or sell cannabis or adult-use cannabis products. A manufacturing facility or an adult-use cannabis business agent of a manufacturing facility may sell adult-use cannabis products to a dispensary.

4. A dispensary or an adult-use cannabis business agent of the dispensary may not sell or provide adult-use cannabis products to:
  - a. An individual under twenty-one years of age, unless the individual is a registered qualifying patient and the sale or dispensing is in accordance with chapter 19-24.1; or
  - b. An adult-use cannabis consumer in an amount that would cause the adult-use cannabis consumer to purchase or possess more adult-use cannabis products than permitted by this chapter.
5. Before selling or providing an adult-use cannabis product to an individual, a dispensary or an adult-use cannabis business agent of the dispensary shall verify:
  - a. The age of the individual by requiring the individual to produce one of the following pieces of identification:
    - (1) The individual's passport, issued by the United States or a foreign government;
    - (2) The individual's driver's license, issued by the state or another state of the United States;
    - (3) An identification card issued by the state;
    - (4) A United States military identification card;
    - (5) An identification card issued by a federally recognized Indian tribe; or
    - (6) Any other identification card issued by a state or territory of the United States which bears a picture of the individual, the name of the individual, the individual's date of birth, and a physical description of the individual.
  - b. The purchase history of the adult-use cannabis consumer using the department-approved information technology system to ensure the adult-use cannabis consumer does not purchase more than the amount of adult-use cannabis products authorized by this chapter.
6. The health council may adopt rules requiring a dispensary to use an age verification scanner or any other equipment used to verify the age of an individual for the purpose of ensuring that the dispensary does not sell adult-use cannabis products to an individual who is under twenty-one years of age. Information obtained under this section may not be retained after verifying the age of an individual and may not be used for any purpose other than verifying the age of an individual.

**19-24.2-16. Maximum purchase amount for adult-use cannabis consumers.**

The maximum amount an adult-use cannabis consumer is authorized to purchase for:

1. The first day of a calendar month through the fifteenth day of the same calendar month:
  - a. Twenty-one grams of adult-use cannabis;
  - b. One gram of adult-use cannabinoid concentrates; and
  - c. Three hundred milligrams of total tetrahydrocannabinol in the form of adult-use cannabinoid products.

2. The sixteenth day of the calendar month through the last day of the same calendar month:
  - a. Twenty-one grams of adult-use cannabis;
  - b. One gram of adult-use cannabinoid concentrates; and
  - c. Three hundred milligrams of total tetrahydrocannabinol in the form of adult-use cannabinoid products.

**19-24.2-17. Maximum possession amount for adult-use cannabis consumer.**

1. It is unlawful for an adult-use cannabis consumer to possess more than the following:
  - a. One ounce [28.35 grams] of adult-use cannabis;
  - b. One and one-half grams of an adult use cannabinoid concentrate; and
  - c. Four hundred milligrams of total tetrahydrocannabinol in the form of an adult-use cannabinoid product.
2. An adult-use cannabis consumer who possesses more than the maximum amount of adult-use cannabis products authorized by this chapter is subject to prosecution under chapter 19-03.1.

**19-24.2-18. Adult-use cannabis business - Inspection.**

1. An adult-use cannabis business is subject to random inspection by the department. During an inspection, the department may review the records of the adult-use cannabis business, including the adult-use cannabis business's financial, inventory, and sales records.
2. The department shall conduct inspections of adult-use cannabis businesses to ensure compliance with this chapter and chapter 19-24.1. The department shall conduct inspections of manufacturing facilities for the presence of contaminants. The department shall select a certified laboratory to conduct random quality sampling testing in accordance with rules adopted under this chapter. An adult-use cannabis business shall pay the cost of all random quality sampling testing.
3. The provisions of chapter 54-44.4 do not apply to the selection of a certified laboratory required by this chapter.

**19-24.2-19. Adult-use cannabis business - Pesticide testing.**

A manufacturing facility shall test cannabis at a manufacturing facility for the presence of pesticides. If a cannabis test indicates the presence of a pesticide, the manufacturing facility immediately shall report the test result to the department and to the agriculture commissioner. Upon the order of the department or agriculture commissioner, the manufacturing facility immediately shall destroy all affected or contaminated cannabis and adult-use cannabis products inventory in accordance with rules adopted under this chapter and shall certify to the department and to the agriculture commissioner that all affected or contaminated inventory has been destroyed.

**19-24.2-20. Adult-use cannabis business - Cannabis plant.**

1. A manufacturing facility may have no more than ten thousand plants. For every five hundred plants in excess of one thousand plants that a manufacturing facility possesses, the manufacturing facility shall pay the department an additional certification fee of ten thousand dollars. This

fee is due at the time of increase and again at renewal of the adult-use cannabis business registration certificate.

2. A dispensary may not possess more than three thousand five hundred ounces [99.22 kilograms] of adult-use cannabis products at any time, regardless of formulation.
3. The health council shall adopt rules to allow a manufacturing facility to possess no more than an additional fifty plants for the exclusive purpose of department-authorized research and development related to production and processing. These plants are not counted in a manufacturing facility possession amount and are not subject to an additional fee.

#### **19-24.2-21. Adult-use cannabis business - Security and safety.**

1. In compliance with rules adopted under this chapter, an adult-use cannabis business shall implement appropriate security and safety measures to deter and prevent the unauthorized entrance to areas containing cannabis and adult-use cannabis products and to prevent the theft of cannabis and adult-use cannabis products.
2. An adult-use cannabis business shall limit entry to an area in which production or processing takes place or in which cannabis or adult-use cannabis products are held and access is limited to authorized personnel.
3. An adult-use cannabis business must have a fully operational security alarm system at the authorized physical address which includes an electrical support backup system for the alarm system to provide suitable protection against theft and diversion.
4. An adult-use cannabis business shall maintain documentation in an auditable form for:
  - a. All maintenance inspections and tests conducted under this section, and any servicing, modification, or upgrade performed on the security alarm system;
  - b. An alarm activation or other event that requires response by public safety personnel; and
  - c. Any breach of security.

#### **19-24.2-22. Adult-use cannabis business - Inventory control.**

1. An adult-use cannabis business shall comply with the inventory control requirements provided under this section and rules adopted under this chapter.
  - a. A manufacturing facility shall:
    - (1) Employ a bar coding inventory control system to track batch, strain, and amounts of cannabis and adult-use cannabis products in inventory and to track amounts of adult-use cannabis products sold to dispensaries; and
    - (2) Host a secure computer interface to transfer inventory amounts and dispensary purchase information to the department.
  - b. A dispensary shall:
    - (1) Employ a bar coding inventory control system to track batch, strain, and amounts of adult-use cannabis products in

inventory and to track amounts sold to adult-use cannabis consumers; and

- (2) Host a secure computer interface to transfer inventory amounts and adult-use cannabis consumer purchase information to the department.
2. An adult-use cannabis business shall store the adult-use cannabis business's cannabis and adult-use cannabis products in an enclosed and locked facility with adequate security, in accordance with rules adopted under this chapter.
3. An adult-use cannabis business shall conduct inventories of cannabis and adult-use cannabis products at the authorized location at the frequency and in the manner provided by rules adopted under this chapter. If an inventory results in the identification of a discrepancy, the adult-use cannabis business immediately shall notify the department and appropriate law enforcement authorities within seventy-two hours. An adult-use cannabis business shall document each inventory conducted by the adult-use cannabis business.
4. The provisions of chapter 54-44.4 do not apply to the selection of the information technology system selected by the department.

**19-24.2-23. Adult-use cannabis business - Operating manual - Training.**

1. An adult-use cannabis business shall maintain a current copy of the operating manual of the adult-use cannabis business which meets the requirements of rules adopted under this chapter.
2. An adult-use cannabis business shall develop, implement, and maintain on the premises an onsite training curriculum or shall enter contractual relationships with outside resources capable of meeting adult-use cannabis business agent training needs.

**19-24.2-24. Adult-use cannabis business - Bylaws and operating agreements.**

As part of the initial application of a proposed adult-use cannabis business, the applicant shall provide to the department a current copy of the applicant's bylaws or operating agreement. Upon receipt of a registration certificate, an adult-use cannabis business shall maintain the bylaws or operating agreement in accordance with this chapter. In addition to any other requirements, the bylaws or operating agreement must include the ownership or management structure of the adult-use cannabis business; the composition of the board of directors, board of governors, member-managers, or managers; and provisions relative to the disposition of revenues and earnings.

**19-24.2-25. Adult-use cannabis business - Retention of and access to records and reports.**

An adult-use cannabis business shall keep detailed financial reports of proceeds and expenses. An adult-use cannabis business shall maintain all inventory, sales, and financial records in accordance with generally accepted accounting principles. The adult-use cannabis business shall maintain all reports and records required under this section for a period of seven years. An adult-use cannabis business shall allow the department, or an audit firm contracted by the department, access at all times to all books and records kept by the adult-use cannabis business.

**19-24.2-26. Adult-use cannabis business - Recordkeeping - Adult-use cannabis business agents - Registry identification cards.**

1. Each adult-use cannabis business shall maintain:

- a. In compliance with rules adopted under this chapter, a personnel record for each adult-use cannabis business agent for a period of at least three years following termination of the individual's affiliation with the adult-use cannabis business. The personnel record must comply with minimum requirements set by rule adopted under this chapter.
  - b. A record of the source of funds that will be used to open or maintain the adult-use cannabis business, including the name, address, and date of birth of any investor.
  - c. A record of each instance in which a current or prospective board member, member-manager, manager, or governor, who managed or served on the board of a business or not-for-profit entity and in the course of that service was convicted, fined, or censured or had a registration or license suspended or revoked in any administrative or judicial proceeding.
2. Each adult-use cannabis business agent shall hold a valid registry identification card.

#### **19-24.2-27. Verification system.**

1. The department shall maintain a confidential list of cardholders and each cardholder's registry identification number.
2. The department shall establish a secure verification system. The verification system must allow law enforcement personnel twenty-four hour access to enter a registry identification number to determine whether the number corresponds with a current valid registry identification card. The system may disclose:
  - a. Whether an identification card is valid;
  - b. The name of the cardholder; and
  - c. The cardholder's affiliated adult-use cannabis business.

#### **19-24.2-28. Protections.**

Except as provided in sections 19-24.2-14 and 19-24.1-28:

1. An adult-use cannabis consumer is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity for the acquisition, use, consumption, or possession of adult-use cannabis products or related supplies under this chapter.
2. It is presumed an adult-use cannabis consumer is engaged in the acquisition, use, consumption, or possession of adult-use cannabis products or related supplies in accordance with this chapter if the adult-use consumer is not in possession of adult-use cannabis products in an amount that exceeds what is authorized under this chapter. This presumption may be rebutted by evidence that the conduct related to acquisition, use, consumption, or possession of adult-use cannabis products or related supplies was not in accordance with this chapter.
3. A manufacturing facility is not subject to prosecution, search or inspection, or seizure, except by the department or the department's designee, under this chapter for acting under this chapter to:
  - a. Produce, process, or conduct related activities for the sole purpose of selling adult-use cannabis products to a dispensary; or

- b. Transfer, transport, or deliver cannabis or adult-use cannabis products to and from a department designee or manufacturing facility in accordance with this chapter.
- 4. A dispensary is not subject to prosecution, search or inspection, or seizure, except by the department or the department's designee, under this chapter for acting under this chapter to:
  - a. Purchase adult-use cannabis products from a manufacturing facility and conducting related activities for the sole purpose of selling adult-use cannabis products and related supplies, and providing educational materials to adult-use cannabis consumers; or
  - b. Transfer adult-use cannabis products to and from a department designee or related manufacturing facility in accordance with this chapter.
- 5. If the action performed by the adult-use cannabis business agent on behalf of the adult-use cannabis business is authorized under this chapter, a registered adult-use cannabis business agent is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity, for working or volunteering for an adult-use cannabis business.
- 6. The sale and possession of supplies related to possession and consumption of adult-use cannabis products by a dispensary is lawful if in accordance with this chapter.
- 7. The adult-use of cannabis by an adult-use cannabis consumer or the producing and processing and the selling of adult-use cannabis products by an adult-use cannabis business is lawful if in accordance with this chapter.
- 8. An adult-use cannabis consumer, adult-use cannabis business agent, or adult-use cannabis business is not subject to arrest or prosecution for use of drug paraphernalia or possession with intent to use drug paraphernalia in a manner consistent with this chapter.
- 9. A person in possession of cannabis waste in the course of transporting or disposing of the waste under this chapter and rules adopted under this chapter may not be subject to arrest or prosecution for that possession or transportation.
- 10. A person in possession of cannabis, adult-use cannabis products, or cannabis waste in the course of performing laboratory tests as provided under this chapter and rules adopted under this chapter is not subject to arrest or prosecution for possession or testing.

#### **19-24.2-29. Limitations.**

- 1. An adult-use cannabis consumer may use adult-use cannabis products in the following locations:
  - a. A private residence, including the person's curtilage, or yard;
  - b. On private property, not generally accessible by the public, if the adult-use cannabis consumer is explicitly permitted to consume the adult-use cannabis products on the property by the owner of the property.
- 2. This chapter does not authorize an adult-use cannabis consumer to engage in, and does not prevent the imposition of any civil liability or criminal liability or other penalties for engaging in:

- a. Use, possession, or transportation of adult-use cannabis products by an individual under twenty-one years of age.
  - b. Use or consumption of adult-use cannabis products by an adult-use consumer in any public place, including an indoor or outdoor area used by, or open to, the general public or on any form of public transportation.
  - c. Use or consumption of an adult-use cannabis product on the grounds of any adult-use cannabis business.
  - d. Undertaking an activity under the influence of cannabis if doing so would constitute negligence or professional malpractice.
  - e. Possession or consumption of adult-use cannabis products in any of the following locations:
    - (1) On a school bus or school van that is used for school purposes;
    - (2) On the grounds of any public or private school, including all facilities, whether owned, rented, or leased, and all vehicles that a public or private school owns, leases, rents, contracts for, or controls;
    - (3) At any location while a public or private school sanctioned event is occurring at that location;
    - (4) On state or federal property, including all facilities, whether owned, rented or leased, and all vehicles the state or federal government leases, rents, contracts for, or controls;
    - (5) On the grounds of a correctional facility;
    - (6) On the grounds of a child care facility or licensed home day care, unless authorized under rules adopted by the department of human services.
  - f. Undertaking any activity prohibited by section 23-12-09, 23-12-10, 23-12-10.2, 23-12-10.4, 23-12-10.5, or 23-12-11.
  - g. Use of adult-use cannabis products in a motor vehicle as defined by chapter 39-01.
  - h. Using a combustible delivery form of adult-use cannabis products or vaporizing adult-use cannabis products under this chapter if the smoke or vapor would be inhaled by an individual under twenty-one years of age.
  - i. Operating, navigating, or being in actual physical control of a motor vehicle, aircraft, train, snowmobile, or motorboat, while under the influence of cannabis. A registered qualifying patient may not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.
3. This chapter does not require:
- a. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume adult-use cannabis products on or in the property; or
  - b. A landlord to allow production and processing of cannabis or possession and consumption of adult-use cannabis products on rental property.

4. This chapter does not prohibit an employer from:
  - a. Disciplining or terminating the employment of an employee for possessing or consuming adult-use cannabis products in the workplace or for working while under the influence of cannabis. "Working" as used in this subdivision includes when an employee is on call.
  - b. Adopting reasonable zero tolerance or drug-free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner.
  - c. Disciplining or terminating the employment of an employee for violating an employer's employment policies or workplace drug policy.
5. An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a good-faith belief that an employee manifests specific, articulable symptoms while working which decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. If an employer elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the employer shall afford the employee a reasonable opportunity to contest the basis of the determination.
6. This chapter does not create or imply a cause of action for any person against an employer for:
  - a. Actions, including subjecting an employee or applicant to reasonable drug and alcohol testing under the employer's workplace drug policy, including an employee's refusal to be tested or to cooperate in testing procedures or disciplining termination of employment, based on the employer's good-faith belief that an employee used or possessed cannabis in the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's employment policies;
  - b. Actions, including discipline or termination of employment, based on the employer's good-faith belief that an employee was impaired as a result of the use of cannabis, or under the influence of cannabis, while at the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's workplace drug policy; or
  - c. Injury, loss or liability to a third party if the employer did not know or have a reason to know the employee was impaired.
7. This chapter may not be construed to interfere with any federal, state or local restrictions on employment, including the United States department of transportation regulation under title 49, Code of Federal Regulations, part 40, section 40.151(e) or impact an employer's ability to comply with federal or state law or cause it to lose a federal or state contract or funding.

**19-24.2-30. Health council - Rules.**

1. The health council shall adopt rules as necessary for the implementation and administration of this chapter, including transportation and storage of cannabis and adult-use cannabis products, advertising, packaging and labeling, standards for testing facilities, inventory management, and accurate recordkeeping.
2. The health council may adopt rules regarding the operation and governance of additional categories of registered adult-use cannabis businesses.

**19-24.2-31. Confidentiality.**

1. Except as provided under subsection 2, information kept or maintained by the department is confidential, including information in a registration application or renewal and supporting information submitted by an adult-use cannabis business, proposed adult-use cannabis business, or adult-use cannabis business agent. Information kept or maintained by the department which could be used to identify an adult-use cannabis consumer is confidential.
2. Information kept or maintained by the department may be disclosed as necessary for:
  - a. The verification of registration certificates and registry identification cards under this chapter;
  - b. Notification of state or local law enforcement of an apparent criminal violation;
  - c. Notification of state and local law enforcement about falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card; or
  - d. Date for statistical purposes in a manner such that an individual person or adult-use cannabis business is not identified.
3. Information submitted to a local government to demonstrate compliance with any security requirements required by local zoning ordinances or regulations is confidential.

**19-24.2-32. Report to the legislative management.**

By July first of each year, the department shall submit a report to the legislative management. The report must be written in a manner such that no individual, person, or adult-use cannabis business can be identified and must include:

1. The number and type of adult-use cannabis businesses;
2. Revenue and expenses of the department related to the implementation of this chapter;
3. Sales data by product type; and
4. Information for statistical purposes.

**19-24.2-33. Adult-use cannabis fees.**

The department shall deposit all fees collected under this chapter in the fund established under section 19-24.1-40.

**SECTION 12. AMENDMENT.** Subsection 1 of section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

1. Any individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state is deemed to have given consent, and shall consent, subject to the provisions of this chapter, to a chemical test, or tests, of the blood, breath, ~~saliva~~oral fluid, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, ~~saliva~~oral fluid, or urine. As used in this chapter, the word "drug" means any drug or substance or combination of drugs or substances which renders an individual incapable of safely driving, and the words "chemical test" or "chemical analysis" mean any test to determine the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, or urine, approved by the director of the state crime laboratory or the director's designee under this chapter.

**SECTION 13. AMENDMENT.** Section 39-20-14 of the North Dakota Century Code is amended and reenacted as follows:

**39-20-14. Screening tests.**

1. Any individual who operates a motor vehicle upon the public highways of this state is deemed to have given consent to submit to an onsite screening test or tests of the individual's breath or oral fluid for the purpose of estimating the alcohol concentration or presence of drugs or substances in the individual's breath or oral fluid upon the request of a law enforcement officer who has reason to believe that the individual committed a moving traffic violation or a violation under section 39-08-01 or an equivalent offense, or was involved in a traffic accident as a driver, and in conjunction with the violation or the accident the officer has, through the officer's observations, formulated an opinion that the individual's body contains alcohol or other drugs or substances that render the individual incapable of safely operating a motor vehicle.
2. An individual may not be required to submit to a screening test or tests of breath or oral fluid while at a hospital as a patient if the medical practitioner in immediate charge of the individual's case is not first notified of the proposal to make the requirement, or objects to the test or tests on the ground that such would be prejudicial to the proper care or treatment of the patient.
3. The screening test or tests must be performed by an enforcement officer certified as a chemical test operator by the director of the state crime laboratory or the director's designee and according to methods and with devices approved by the director of the state crime laboratory or the director's designee. The results of such screening test must be used only for determining whether or not a further test shall be given under the provisions of section 39-20-01. The officer shall inform the individual that North Dakota law requires the individual to take the screening test to determine whether the individual is under the influence of alcohol or other drugs or substances and that refusal of the individual to submit to a screening test may result in a revocation for at least one hundred eighty days and up to three years of that individual's driving privileges. If such individual refuses to submit to such screening test or tests, none may be given, but such refusal is admissible in a court proceeding if the individual was arrested in violation of section 39-08-01 and did not take any additional chemical tests requested by the law enforcement officer. Such refusal is sufficient cause to revoke such individual's license or permit to drive in the same manner as provided in section 39-20-04, and a hearing as provided in section 39-20-05 and a judicial review as provided in section 39-20-06 must be available.
4. The director must not revoke an individual's driving privileges for refusing to submit to a screening test requested under this section if the individual provides a sufficient breath, blood, oral fluid, or urine sample for a chemical test requested under section 39-20-01 for the same incident.

5. No provisions of this section may supersede any provisions of chapter 39-20, nor may any provision of chapter 39-20 be construed to supersede this section except as provided herein.
6. For the purposes of this section, "chemical test operator" means an individual certified by the director of the state crime laboratory or the director's designee as qualified to perform analysis for alcohol or other drugs or substances in an individual's blood, breath, oral fluid, or urine.

**SECTION 14. AMENDMENT.** Subsection 12 of section 65-05-08 of the North Dakota Century Code is amended and reenacted as follows:

12. The organization may not pay wage loss benefits if the wage loss is related to the use ~~or presence of medical marijuana~~ of usable marijuana or adult-use cannabis products, or the presence of tetrahydrocannabinol.

**SECTION 15. EFFECTIVE DATE.** Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act become effective on July 1, 2022."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1448: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "exclusively"

Page 1, line 3, after "tribes" insert "; and to provide a contingent effective date"

Page 1, remove lines 11 through 16

Page 1, line 17, replace "3." with "2."

Page 1, line 18, remove "exclusively"

Page 1, line 21, replace "4." with "3."

Page 2, line 3, replace "5." with "4."

Page 2, after line 9, insert:

**"SECTION 2. CONTINGENT EFFECTIVE DATE.** This Act becomes effective with regard to online gaming on the date the secretary of state certifies to the legislative council that House Concurrent Resolution No. 3012, as adopted by the sixty-seventh legislative assembly, has been approved by the voters. This Act becomes effective with regard to online sports betting on the date the secretary of state certifies to the legislative council that House Concurrent Resolution No. 3032, as adopted by the sixty-seventh legislative assembly, has been approved by the voters."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1449: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1449 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 3, replace "an effective date" with "for application, and to provide an expiration date"

Page 1, line 11, after "to" insert "an"

Page 1, line 11, replace "counties" with "county"

Page 1, line 13, replace "one-half" with "one-fourth"

Page 1, line 22, remove "two"

Page 1, line 23, replace "counties" with "county"

Page 1, line 23, remove ", as follows:"

Page 2, remove lines 1 through 4

Page 2, line 5, replace "population relative to the combined total population of both counties" with "and a population of more than ten thousand"

Page 2, line 14, replace "**EFFECTIVE DATE**" with "**APPLICATION**"

Page 2, line 14, replace "is effective for the" with "applies to"

Page 2, after line 15, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2023, and after that date is ineffective."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1464, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a legislative management study;"

Page 1, line 11, remove "fifty"

Page 1, line 13, remove "one hundred"

Page 1, line 13, overstrike "fifty" and insert immediately thereafter "one hundred"

Page 1, line 15, replace "one hundred" with "fifty"

Page 1, line 20, replace "twenty-nine" with "twenty-six"

Page 2, line 20, replace "twenty-nine" with "twenty-six"

Page 3, after line 12, insert:

**"SECTION 4. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF ELECTRIC VEHICLES ON TRANSPORTATION FUNDING.** During the 2021-22 interim, the legislative management shall consider studying the impact of electric vehicles on transportation funding. The study must include consideration of the current and projected reductions in motor fuels tax collections resulting from increased electric vehicle use and the impact of decreased revenue collections on highway tax distribution fund allocations. The study also must review the taxes and fees imposed on electric vehicles in other states and methods to address the impact of electric vehicles that are not registered in this state on the roads in this state. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1466: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). HB 1466 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "repeal" with "suspend"

Page 1, line 5, remove "a statement of"

Page 1, line 6, replace "legislative intent" with "an expiration date"

Page 6, line 25, replace "**REPEAL**" with "**SUSPENSION**"

Page 6, line 26, replace "repealed" with "suspended"

Page 6, remove lines 27 through 30

Page 7, replace lines 1 through 3 with:

**"SECTION 6. EXPIRATION DATE.** This Act is effective through June 30, 2025, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1470: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1470 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact section 12-44.1-33 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to continuation of behavioral health care for inmates; and to"

Page 1, remove lines 5 through 24

Page 2, line 7, remove the first "and"

Page 2, line 8, after "institutions" insert ", and family members"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1501: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1501 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "retail marijuana and retail marijuana" with "usable marijuana and adult-use cannabis"

Page 1, replace lines 9 through 22 with:

1. "Adult-use cannabis business" means a manufacturing facility or dispensary.
2. "Adult-use cannabis product" means adult-use cannabis, adult-use cannabinoid concentrates, or adult-use cannabinoid products sold to an adult-use cannabis consumer under chapter 19-24.2.
3. "Department" means the state department of health.

4. "Dispensary" means an entity registered by the department under chapter 19-24.2 as an adult-use cannabis business authorized to sell adult-use cannabis products.
5. "Manufacturing facility" means an entity registered by the department under chapter 19-24.1 and 19-24.2 that is authorized to produce and process cannabis and to sell usable marijuana and adult-use cannabis products to a dispensary.
6. "Person" means any individual, firm, fiduciary, partnership, corporation, limited liability company, trust, or association however formed.
7. "Usable marijuana" has the meaning provided in section 19-24.1-01."

Page 1, line 23, replace "**Retail marijuana manufacturers and stores to be licensed**" with "**Adult-use cannabis permit and bond requirement**"

Page 2, line 1, replace "the" with "or conducting"

Page 2, line 1, remove "of selling retail marijuana or retail marijuana"

Page 2, line 2, replace "products" with "as an adult-use cannabis business"

Page 2, line 2, remove "secure a license from the state department of health before"

Page 2, replace lines 3 through 7 with "file with the tax commissioner an application for a permit. Every application for a permit must be made on a form prescribed by the tax commissioner and must identify the business name, the location of the applicant's place or places of business, proof of registration with the department, and other information required by the tax commissioner. The application must be signed by the owner if a natural person; in the case of an association, partnership, or limited liability company, by a member or partner; and in the case of a corporation, by an executive officer or other person specifically authorized by the corporation to sign the application. A permit is not assignable and must be displayed conspicuously at the place of business"

Page 2, line 20, replace "retail sales and use tax" with "adult-use cannabis business"

Page 3, remove lines 1 and 2

Page 3, line 3, replace "**Revocation of license - Penalty**" with "**Suspension or revocation of registration certificate and permit**"

Page 3, line 4, remove "state"

Page 3, line 4, remove "of health"

Page 3, line 4, after the first "may" insert "suspend or"

Page 3, line 4, replace "license" with "registration certificate and the tax commissioner may suspend or revoke the permit"

Page 3, line 4, remove "retail marijuana manufacturer"

Page 3, line 5, replace "or retail marijuana store" with "adult-use cannabis business"

Page 3, line 6, remove "state"

Page 3, line 6, remove "of health. When a license has been"

Page 3, remove line 7

Page 3, line 8, remove "not sell any retail marijuana or retail marijuana products after the license has been revoked"

- Page 3, line 9, replace "**Retail marijuana**" with "**Dispensary**"
- Page 3, line 10, remove "retail marijuana"
- Page 3, remove line 11
- Page 3, line 12, replace "this state" with "adult-use cannabis products. The tax is measured by a dispensary's gross receipts derived from the sale of adult-use cannabis products, exclusive of any discount or other reduction"
- Page 3, line 13, replace "The tax on medical" with "Gross receipts of usable"
- Page 3, line 13, replace "stores is" with "and adult-use cannabis products are"
- Page 3, line 13, after "to" insert "the tax imposed under 57-39.2 or"
- Page 3, line 13, remove "A local"
- Page 3, line 14, replace "jurisdiction" with " 3. A political subdivision"
- Page 3, line 14, after "a" insert "local option"
- Page 3, line 14, replace the first "retail" with "usable"
- Page 3, line 14, replace "or retail marijuana" with "and adult-use cannabis"
- Page 3, line 16, replace "**Retail marijuana manufacturer excise tax**" with "**Manufacturing facility gross receipts tax imposed**"
- Page 3, line 17, replace "fifteen" with "ten"
- Page 3, line 17, replace the first "retail" with "usable"
- Page 3, line 17, remove "retail"
- Page 3, line 18, replace the first "marijuana" with "adult-use cannabis"
- Page 3, line 18, replace "retail marijuana manufacturer to a retail marijuana store" with "manufacturing facility to a dispensary"
- Page 3, line 19, replace "manufacturer's" with "manufacturing facility's"
- Page 3, line 19, replace the first "retail" with "usable"
- Page 3, line 19, remove "retail"
- Page 3, line 20, replace "marijuana" with "adult-use cannabis"
- Page 3, line 20, replace "store" with "dispensary"
- Page 3, line 21, replace "**Retail marijuana manufacturer and store**" with "**Filing of**"
- Page 3, line 21, remove " **requirement**"
- Page 3, line 22, remove "retail marijuana"
- Page 3, line 23, replace "manufacturer and a retail marijuana store" with "manufacturing facility"
- Page 3, line 25, replace the first "retail" with "usable"
- Page 3, line 25, replace "or retail marijuana" with "and adult-use cannabis"
- Page 3, line 26, after "products" insert "to dispensaries"

Page 3, line 31, replace "57-36.2-28" with "57-36.2-08"

Page 4, line 3, after "2." insert "On or before the last day of the month next succeeding each month, a dispensary shall prepare a return for the preceding month in the form and manner as may be prescribed by the tax commissioner, showing the gross receipts from the sale of adult-use cannabis products, the amount of the tax for the period covered by the return, and any other information as the tax commissioner may require. The tax commissioner, upon request and a showing of good cause, may grant an extension of time not to exceed thirty days for filing a return. If the extension is granted, the time required to make a payment must be extended for the same period of time, but the amount of interest imposed under section 57-36.2-08 applies to the amount of the deferred payment from the date the tax would have been due if the extension had not been granted to the date the tax is paid.

3."

Page 4, line 3, replace "manufacturer, store" with "manufacturing facility, dispensary"

Page 4, line 8, replace "retail marijuana manufacturer and retail marijuana store" with "manufacturing facility and dispensary"

Page 4, line 9, remove "retail"

Page 4, line 10, replace "marijuana manufacturer and retail marijuana store" with "manufacturing facility and dispensary"

Page 4, line 13, replace "a" with "an adult-use cannabis"

Page 4, line 13, remove "licensed under this chapter"

Page 4, line 16, replace "marijuana retail store or retail marijuana manufacturer" with "manufacturing facility or dispensary"

Page 4, line 18, replace "retailer" with "adult-use cannabis business"

Page 5, line 10, replace "under the marijuana retail gross receipts tax" with "from the tax collected from dispensaries under this chapter"

Page 5, line 11, remove "retail"

Page 5, line 12, replace "marijuana store" with "dispensary"

Page 5, line 16, replace the first "retail" with "usable"

Page 5, line 16, replace "retail marijuana" with "adult-use cannabis"

Page 5, line 18, remove "a"

Page 5, remove line 19

Page 5, line 20, replace "marijuana products" with "House Bill No. 1420"

Re-number accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1503: Judiciary Committee (Rep. Klemin, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1503 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact section 15-10.4-03 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to higher education student and faculty free speech; to"

Page 1, line 3, remove "; and to provide a penalty"

Page 1, line 17, overstrike "while adhering to"

Page 1, overstrike "guidelines established by the American association of university professors"

Page 1, line 20, after the overstruck period insert "by guaranteeing, at a minimum, no faculty member will face adverse employment action for classroom speech, unless the speech is not reasonably germane to the subject matter of the class as broadly construed and comprises a substantial portion of classroom instruction"

Page 1, line 20, remove "and"

Page 1, line 21, after "4." insert "Prohibits student-on-student discriminatory harassment consistent with the following requirements:

a. An institution may not enforce the student-on-student discriminatory harassment policy by disciplining or otherwise imposing any sanction on a student for a violation of the policy stemming from expression unless:

(1) The speech or expression is unwelcome, targets the victim on a basis protected under federal, state, or local law, and is so severe, pervasive, and objectively offensive that a student effectively is denied equal access to educational opportunities or benefits provided by the institution; or

(2) The speech or expression explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances or requests for sexual favors;

b. An institution may sanction or discipline student-on-student speech or expression that does not meet the definition of student-on-student harassment only when the speech or expression is not protected under the First Amendment to the United States Constitution or section 4 of article I of the Constitution of North Dakota; and

c. An institution may respond to student-on-student speech that is not discriminatory harassment by taking nonpunitive actions designed to promote a welcoming, inclusive environment; and

5."

Page 2, line 2, after "restrictions" insert "on free speech, assembly, and expression which are applicable to the publicly accessible outdoor areas of campus, do not violate the First Amendment to the United States Constitution or section 4 of article I of the Constitution of North Dakota, and are clear, published, reasonable, content-neutral, viewpoint-neutral, and narrowly tailored to satisfy a significant institutional interest, and leave open alternative channels for the communication of information or a message"

Page 3, remove lines 1 through 11

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3012: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HCR 3012 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3023: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS,

1 ABSENT AND NOT VOTING). HCR 3023 was placed on the Sixth order on the calendar.

Page 1, line 3, after "Court" insert "and that the amendment should state the Supreme Court of the United States shall be composed of nine justices"

Page 1, line 5, after the semicolon insert "and"

Page 1, line 7, after the semicolon insert "and"

Page 1, line 15, remove the semicolon

Page 1, line 15, after "and" insert "that the amendment should state the Supreme Court of the United States shall be composed of nine justices; and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3031: Judiciary Committee (Rep. Klemm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HCR 3031 was placed on the Sixth order on the calendar.

Page 2, remove lines 1 through 3

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3032: Judiciary Committee (Rep. Klemm, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3032 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of career and technical education; and to provide a report.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota racing commission; and to provide for a legislative management study.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of environmental quality; to amend and reenact section 23.1-16-10 of the North Dakota Century Code, relating to certificate of inspection; to provide a statement of legislative intent; and to provide for a legislative management report.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2025:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of veterans' affairs; to provide for a report; and to provide an exemption.

Was read the first time and referred to the **Appropriations Committee**.

**SB 2047:** A BILL for an Act to amend and reenact section 9-15.2-13 of the North Dakota Century Code, relating to conduct prohibited under the Revised Uniform Athlete Agents Act; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2048:** A BILL for an Act to create and enact chapter 47-30.2 of the North Dakota Century

Code, relating to the Revised Uniform Unclaimed Property Act; to amend and reenact sections 9-12-29, 10-19.1-123, 10-33-114, and 15-02-05.2, subsection 3 of section 23.1-15-07, subsections 8 and 9 of section 26.1-55-02, sections 26.1-55-04, 27-05.2-04, and 30.1-20-14, subsection 3 of section 35-20-17, sections 35-36-05, 38-13.1-03, 38-18.1-03, and 44-04-18.25, subsection 3 of section 47-16-07.1, section 54-27-15.1, subsection 6 of section 57-38-57, subsection 8 of section 57-39.2-23, and section 60-01-34 of the North Dakota Century Code, relating to abandoned and unclaimed property; to repeal chapter 47-30.1 of the North Dakota Century Code, relating to the uniform unclaimed property act; to provide for a report; to provide a penalty; and to provide a continuing appropriation.

Was read the first time and referred to the **Judiciary Committee**.

**SB 2049:** A BILL for an Act to amend and reenact subsection 19 of section 4.1-25-01 and sections 4.1-25-31, 4.1-25-32, and 4.1-25-33 of the North Dakota Century Code, relating to the definition of pasteurized milk ordinance and the pasteurized milk ordinance revision.

Was read the first time and referred to the **Agriculture Committee**.

**SB 2050:** A BILL for an Act to amend and reenact section 4.1-31-01.1 of the North Dakota Century Code, relating to the federal meat inspection revision.

Was read the first time and referred to the **Agriculture Committee**.

**SB 2051:** A BILL for an Act to amend and reenact sections 43-18-04, 43-18-06, and 43-18-08 of the North Dakota Century Code, relating to employees of the state board of plumbing and fees for applications, examinations, renewals, and late renewals for plumbers.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2053:** A BILL for an Act to amend and reenact section 4.1-01.1-06 of the North Dakota Century Code, relating to the required uses of the agricultural products utilization fund; and to declare an emergency.

Was read the first time and referred to the **Agriculture Committee**.

**SB 2054:** A Bill for and Act to amend and reenact section 4.1-27-19 of the North Dakota Century Code, relating to refusal or revocation of a license to operate a livestock auction market; and to repeal chapter 4.1-88 of the North Dakota Century Code, relating to wool dealers.

Was read the first time and referred to the **Agriculture Committee**.

**SB 2058:** A BILL for an Act to amend and reenact sections 17-03-01 and 17-03-04 of the North Dakota Century Code, relating to the biodiesel partnership in assisting community expansion.

Was read the first time and referred to the **Agriculture Committee**.

**SB 2060:** A BILL for an Act to amend and reenact sections 43-06-01, 43-06-02, 43-06-04, 43-06-04.1, 43-06-05, 43-06-08, 43-06-09, 43-06-10.1, 43-06-11, 43-06-13, 43-06-15, 43-06-16.1, and 43-06-18 of the North Dakota Century Code, relating to the state board of chiropractic examiners and the practice of chiropractic; and to repeal sections 43-06-10 and 43-06-12 of the North Dakota Century Code, relating to the state board of chiropractic examiners and the practice of chiropractic.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2061:** A BILL for an Act to create and enact section 43-57-02.1 of the North Dakota Century Code, relating to compensation for members of the state board of integrative health care.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2072:** A BILL for an Act to amend and reenact section 26.1-04-01, subsection 8 of section 26.1-04-03, section 26.1-25-16, and subdivision a of subsection 4 of section 26.1-36-09.8 of the North Dakota Century Code, relating to unfair trade practices and the use of rebates in the business of insurance.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2073:** A BILL for an Act to create and enact chapter 26.1-36.8 of the North Dakota Century Code, relating to short-term limited-duration health insurance plans; to

amend and reenact section 26.1-36.4-02 and subsection 7 of section 26.1-36.7-01 of the North Dakota Century Code, relating to short-term limited-duration health insurance plans; and to repeal section 26.1-36-49 of the North Dakota Century Code, relating to short-term limited-duration health insurance plans.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2074:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-36.4-09 of the North Dakota Century Code, relating to health insurance utilization reports.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2075:** A BILL for an Act to create and enact chapter 26.1-02.2 of the North Dakota Century Code, relating to insurance data and security; and to provide for a legislative management study.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2120:** A BILL for an Act to amend and reenact section 61-16-07 of the North Dakota Century Code, relating to the number of board members for water resource districts encompassing one county.

Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2208:** A BILL for an Act to provide for a legislative management study of drainage and other water-related issues.

Was read the first time and referred to the **Agriculture Committee**.

**SB 2216:** A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 58-03-11.1 of the North Dakota Century Code, relating to the definition of location for animal feeding operations.

Was read the first time and referred to the **Agriculture Committee**.

The House stood adjourned pursuant to Representative Louser's motion.

**Buell J. Reich, Chief Clerk**